
Gateway Planning Proposal:

**Rezoning and reclassification Lot 49
DP1114977 - 26 Lake Paddock Drive
Leeton**

October 2019

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Project Name: **Rezoning and reclassification Lot 49**
 DP1114977 – 26 Lake Paddock Drive Leeton

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1. Introduction

Building Environment Services Today (BEST) has been engaged by Leeton Shire Council to assist with the preparation of a Gateway Planning Proposal for an amendment to the *Leeton Local Environmental Plan 2014*. This amendment rezones and reclassifies Council owned land, as operational, being Lot 49 DP 1114977 Lake Paddock Drive Leeton.

2. Background

This Gateway Planning Proposal has been prepared in accordance with:

-) *Planning Circular PS 16-005 dated 30 August 2016*
-) *A Guide to Preparing Planning Proposals dated August 2016*
-) *Planning Circular PN 16-001 Classification and reclassification of public land through a local environmental plan dated 5 October 2016*

Section 1.3 of 'A Guide to Preparing a Planning Proposal dated August 2016' states:

'A planning proposal which is submitted for a Gateway determination must provide enough information to determine whether there is merit in the proposed amendment proceeding to the next stage of the plan making process. The level of detail required in a planning proposal should be proportionate to the complexity of the proposed amendment.'

The planning proposal should contain enough information to identify relevant environmental, social, economic and other site-specific considerations. The scope for investigating any key issues should be identified in the initial planning proposal that is submitted for a Gateway determination. This would include listing what additional studies the RPA considers necessary to justify the suitability of the proposed LEP amendment. The actual information/investigation may be undertaken after a Gateway determination has been issued and if required by the Gateway determination.'

This proposal has also been prepared having regard to current updated planning practice associated with the development of the Local Environmental Plan (LEP) Standard Instrument. This Gateway Planning Proposal provides sufficient information to support the proposed amendment to the *Leeton Local Environmental Plan 2014*.

All planning proposals classifying or reclassifying public land must address the matters contained in *Planning Circular PN 16-001 Classification and reclassification of public land through a local environmental plan dated 5 October 2016 - Attachment 1 Checklist for proposals to classify or reclassify public land through an LEP* for Gateway consideration.

The following table highlights where these matters are addressed within this report.

Table 1 – Matters for consideration reclassification of Lot 49

Matter for Consideration	Response
the current and proposed classification of the land	See Section 3
whether the land is a 'public reserve' (defined in the LG Act)	See Section 3
the strategic and site specific merits of the reclassification and evidence to support this	See Section 3
whether the planning proposal is the result of a strategic study or report	See Section 6
whether the planning proposal is consistent with council's community plan or other local strategic plan	See Section 6
a summary of council's interests in the land, including: <ul style="list-style-type: none">) how and when the land was first acquired (e.g. was it dedicated, donated, provided as part of a subdivision for public open space or other purpose, or a developer contribution)) if council does not own the land, the land owner's consent) the nature of any trusts, dedications etc 	See Section 3
whether an interest in land is proposed to be discharged, and if so, an explanation of the reasons why	See Section 3
the effect of the reclassification (including, the loss of public open space, the land ceases to be a public reserve or particular interests will be discharged)	See Section 3
evidence of public reserve status or relevant interests, or lack thereof applying to the land (e.g. electronic title searches, notice in a Government Gazette, trust documents)	See Attachment 1
current use(s) of the land, and whether uses are authorised or unauthorised	See Section 3
current or proposed lease or agreements applying to the land, together with their duration, terms and controls	See Section 3
current or proposed business dealings (e.g. agreement for the sale or lease of the land, the basic details of any such agreement and if relevant, when council intends to realise its asset, either immediately after rezoning/reclassification or at a later time)	See Section 3
any rezoning associated with the reclassification (if yes, need to demonstrate consistency with an endorsed Plan of Management or strategy)	See Section 3
how council may or will benefit financially, and how these funds will be used	See Section 3
how council will ensure funds remain available to fund proposed open space sites or improvements referred to in justifying the reclassification, if relevant to the proposal	See Section 3
a Land Reclassification (part lots) Map, in accordance with any standard technical requirements for spatial datasets and maps, if land to be reclassified does not apply to the whole lot	N/A
Preliminary comments by a relevant government agency, including an agency that dedicated the land to council, if applicable.	N/A

3. Planning Proposal Context

The objective of the planning proposal is to rezone Lot 49 DP 1114977 from RE1 Public Recreation to Zone R2 Low Density Residential and reclassify the land from Community Land to Operational Land.

The reclassification of Lot 49 will also remove the public reserve status applying to the land.

3.1 Site location

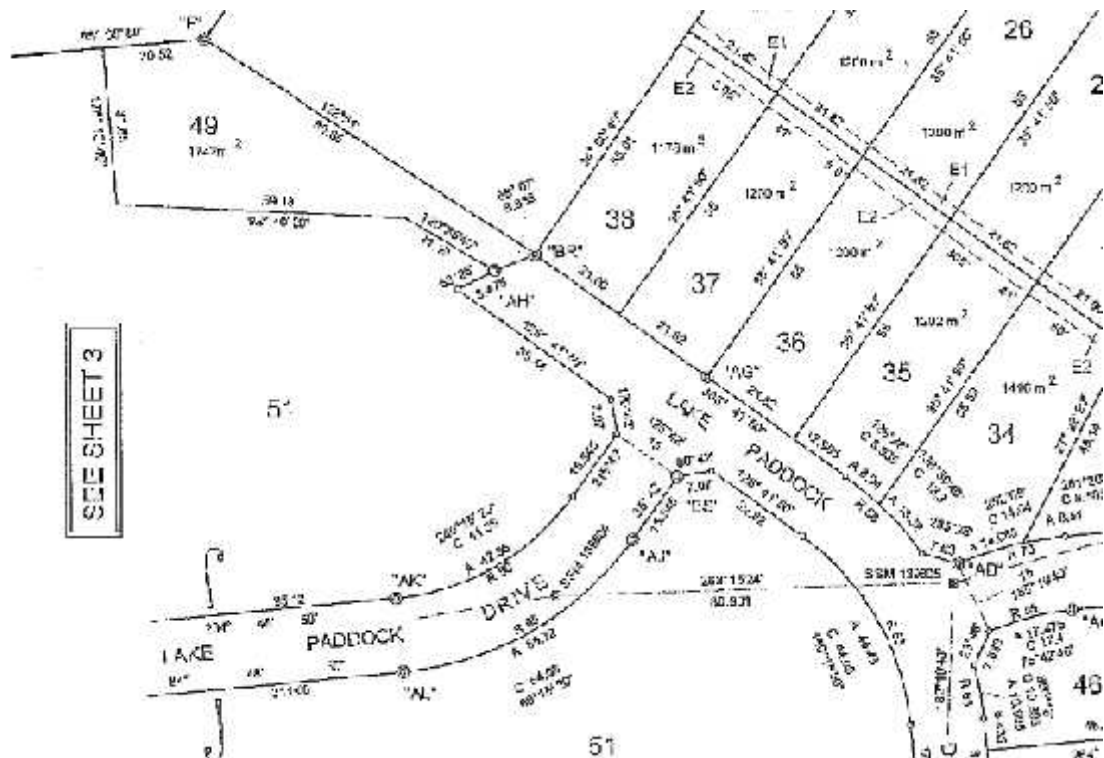
Lot 49 DP 1114977 is located at the north-western end of Lake Paddock Drive to the south of Leeton Township. Lot 49 DP 1114977 was dedicated to Council as public reserve as part of a residential subdivision approved by Council in 2007. Lot 49 has an area of 1742m². A copy of a Title Search for Lot 49 DP 1114977 is included in **Attachment 1**.

Figure 1 – Location Map



Source: SIX maps 2018

Figure 2 – Extract of Subdivision Plan DP 1114977



Source: Leeton Shire Council 2018

3.2 Site context

Lot 49 DP 1114977 is currently vacant land and has been undeveloped for any public open space purposes. The land is located behind residential development. The general arrangement and features of the land are evident in the following site photos.

Photo 1 – View north east from Lot 49 to existing houses adjoining Golf Club Drive



Photo 2 – View south from Lot 49 to residential development Lake Paddock Drive



Photo 3 – View south from Lot 49 to existing houses on Lake Paddock Drive



Photo 4 – View south east from Lot 49 to adjoining residential development



Photo 5 – View south east from Lot 49 to adjoining residential development



Photo 6 – View north-west from Lot 49 toward Leeton Township



Photo 7 – View west from Lot 49 toward Leeton Township



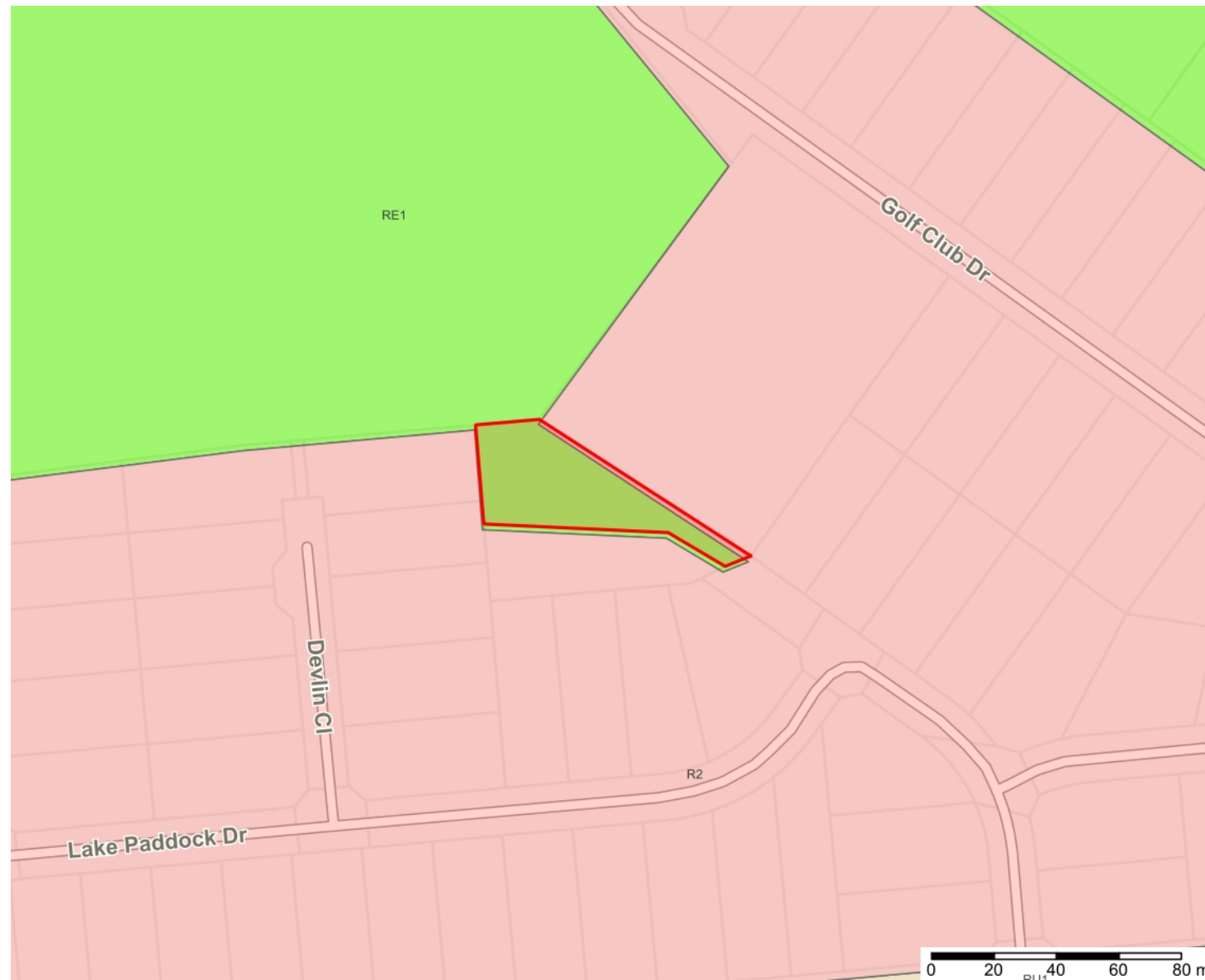
Photo 8 – View north east from Lot 49 to existing residential development adjoining Golf Club Drive



3.3 Zoning and site constraints

Lot 49 DP 1114977 is zoned RE1 Public Recreation as identified in **Figure 3**.

Figure 3 – Extract of Zoning Map – Lot 49 DP 1114977



- Road_Names**
- Boundaries
 - Suburbs
 - LGA Boundary
 - Planning Instruments
 - Zones
 - B1 - Neighbourhood Centre
 - B2 - Local Centre
 - B3 - Commercial Core
 - B5 - Business Development
 - E1 - National Parks and Nature Reserves
 - E2 - Environmental Conservation
 - E4 - Environmental Living
 - IN1 - General Industrial
 - IN2 - Light Industrial
 - R1 - General Residential
 - R2 - Low Density Residential
 - R3 - Medium Density Residential
 - R5 - Large Lot Residential
 - RE1 - Public Recreation
 - RE2 - Private Recreation
 - RU1 - Primary Production
 - RU5 - Village
 - SP1 - Special Activities
 - SP2 - Infrastructure
 - Council Roads
 - Main Roads
 - Primary Roads
 - Minor Roads
 - Cadastre
 - Land Features
 - NPWS Reserve
 - Water Feature



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Projection: GDA94 / MGA zone 55

Date: 17/04/2019

Created By: Tom Steele

Lot 49 DP 1114977
Zoning

3.4 Relationship to adjoining land

Lot 49 DP 1114977 is part of an undeveloped open space area that extends from Lake Paddock Drive along Golf Club Drive to Racecourse Road. The Leeton Racecourse and Showground are generally located to the north.

Figure 4 – Locality aerial photograph



Source – Google Maps 2019

3.5 Development on adjoining land

Lot 49 DP 1114977 forms part of a larger area of zoned open space to the north and is bounded by low density residential development to the east, west and south.

Figure 5, 6 and 7 identify the lot size, height and floor space ratio provisions on adjoining land. These would be applied to Lot 49 as part of the rezoning process to ensure consistency with planning outcomes in the immediate locality.

Figure 5 – Extract of Minimum Lot Size Map – Lot 49 DP 1114977



- Road_Names**
- Boundaries**
- Suburbs
 - LGA Boundary
- Planning Instruments**
- Lot Sizes**
- I - 500
 - R - 750
 - W - 4000
 - Z1 - 2 Ha
 - Z2 - 4 Ha
 - AA - 8 Ha
 - AB - 40 Ha
 - AD - 150 Ha
- Council Roads**
- Main Roads
 - Primary Roads
 - Minor Roads
- Cadastre**
- ~Land Features**
- NPWS Reserve
 - Water Feature
 - Road Corridor
 - Railway
 - Unidentified Property



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Lot 49 DP 1114977
Minimum Lot Size

Figure 6 – Extract of Building Heights Map – Lot 49 DP 1114977



- Road_Names
- Boundaries
- Suburbs
- LGA Boundary
- Planning Instruments
- Height Limitations
 - I - 8.5m
 - L - 11.5m
- Council Roads
 - Main Roads
 - Primary Roads
 - Minor Roads
- Cadastre
- ~Land Features
 - NPWS Reserve
 - Water Feature
 - Road Corridor
 - Railway
 - Unidentified Property



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Lot 49 DP 1114977

Figure 7 – Extract of Floor Space Ratio Map – Lot 49 DP 1114977



- Road_Names
- Boundaries
 - Suburbs
 - LGA Boundary
- Planning Instruments
 - Floor Space Ratios
 - A - 0.25
 - D - 0.50
 - J - 0.80
 - P - 1.25
- Council Roads
 - Main Roads
 - Primary Roads
 - Minor Roads
- Cadastre
- ~Land Features
 - NPWS Reserve
 - Water Feature
 - Road Corridor
 - Railway
 - Unidentified Property



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Lot 49 DP 1114977
Floor Space Ratio

3.6 Classification of the land

Lot 49 DP 1114977 is classified as Community Land under the *Local Government Act 1993*.

Under the *Local Government Act 1993 (LG Act)*:

-) all land vested in (including land owned in fee simple) or under the control of a council is deemed to be public land (LG Act, Dictionary)
-) all public land must be classified as either “Community” or “Operational” land (s25 and s26 LG Act).

The main effect of classification is to restrict the alienation and use of the land.

Classification as “Community” reflects the importance of the land to the community because of its use or special features. Generally, it is land intended for public access and use, or where other restrictions applying to the land create some obligation to maintain public access (such as a trust deed, or dedication under section 94 of the Environmental Planning and Assessment Act 1979). Community land:

-) cannot be sold (s45 LG Act)
-) cannot be leased, licenced or any other estate granted over the land for more than 21 years (without Ministerial consent) (s47 LG Act)
-) must have a plan of management prepared for it (s35 LG Act).

Community land would ordinarily comprise land such as a public park, sportsground or bushland.

In contrast, “Operational” land has no special restrictions other than those that may ordinarily apply to any parcel of land.

Operational land is unfettered land. Operational land would ordinarily comprise land that facilitates the carrying out by a council of its functions or land which may not be open to the general public, such as council offices, a works depot, sewer or water pump station or a council quarry. It also includes land held by Council as a temporary asset or as an investment.

Council resolved on the 22 August 2018 to reclassify Lot 49 as Operational Land.

This reclassification is now to be incorporated into the Planning Proposal to rezone Lot 49.

3.6 Purpose of the reclassification

As identified in the Council report dated 22 August 2018 (**Attachment 2**) the reclassification of the land is to facilitate the rezoning and sale of the land as a residential lot.

3.7 Council interests in the land

Lot 49 is within a residential housing estate that Council granted conditional consent to on 5 February 2002. This approval required the developer to make contributions of \$82,943.05 towards the provision of recreation and open space.

Council reviewed this condition upon request from the developer on 26 May 2006 and resolved to “*reduce the recreation and open space contribution to \$34,943.05 and accept the dedication of 6,000m² of land within the development*”.

As a result of this resolution Lot 49 was dedicated as public reserve land as part of the recreation and open space area within this estate. The land was classified by Council as Community Land.

Council does not have any business dealings with the land.

There are no agreements or leases known to Council that involve or are attached to this land.

3.8 Impacts of the reclassification and rezoning

Council currently owns an adjacent lot (Lot 48) which is 8,828m² in area.

In planning the development and provision of the recreation needs of the residential estate Council has determined that Lot 48 has sufficient area to provide the expected facilities and does not now need the further 1,742 m² in Lot 49.

The opportunity to develop Lot 48 for open space purposes would be as a direct result of the reclassification and rezoning.

3.9 Financial implications

Council intends to re-allocate the financial resources received from the sale of Lot 49 to development Lot 48 including the purchase of recreational equipment for the development of a playground facility.

4. Part 1- Statement of objectives and intended outcomes

The objective of the planning proposal is to rezone Lot 49 DP 1114977 from Zone RE1 Public Recreation to Zone R2 Low Density Residential. The planning proposal also seeks to reclassify Lot 49 from Community Land to Operational Land under the *Local Government Act 1993*.

5. Part 2- Explanation of provisions

The proposed outcome will be achieved by the following amendments to the *Leeton Local Environmental Plan 2014*:

- 1. Amending Map LZN 014F** by altering the zoning applying to Lot 49 from RE1 Public Recreation to Zone R2 Low Density Residential
- 2. Amending Map LSZ 014F** and applying a minimum lot size to Lot 49 of 4000m²

-
3. **Amending Map HOB 014F** and applying a maximum building height to Lot 49 of 8.5m
 4. **Amending Map FSR 014F** and applying a maximum floor space ratio to Lot 49 of 0.5:1
 5. **Inserting into Part 2 of Schedule 4** the real property description of Lot 49 with changes to the vested interests of the land by removing the public reserve status of the land

6. Part 3 - Justification

Section A – Need for the Planning Proposal

Is the planning proposal a result of any strategic study or report?

The following provides strategic context and the rationale associated with the proposed changes under this Planning Proposal.

The Council report and resolution to prepare this Planning Proposal is included in **Attachment 2**.

Draft Open Space for Recreation Guide- Government Architect NSW (2018)

Leeton Shire Council has no formal Council wide open space strategy.

Prepared by Government Architect NSW in 2018, this guide provides a useful tool with benchmarks to assess the suitability of retaining Lot 49 as open space land.

This includes assessing the value of Lot 49 against the performance based approach to open space planning. This performance based approach examines the option for Lot 49 to provide opportunities for outdoor recreation in the relevant urban setting contained in the guide.

Table 2 examines the potential use of Lot 49 against the key performance criteria in the guide for evaluating the suitability of the land for open space and recreation.

Table 2 Performance criteria – using open space for recreation (refer pg 10 Draft Guide)

Performance Criteria	Relevant indicator	Suitability of Lot 49
<p><i>Accessibility and connectivity</i></p> <p>Ease of access is critical for the community to enjoy and use public open space and recreation facilities</p>	<p>An integrated network of open-space connections is key:</p> <ul style="list-style-type: none">) for a medium- to low-density neighbourhood: 5 minute walk / 400 m walking distance to a local, district, or regional park) 25 minute walk / 2 km proximity to any district park) up to 30 minutes travel time on public transport or by vehicle to regional open space. 	<p>Lot 49 forms part of a larger open space network. Other local district and regional parks are within 400m of the existing residential development in this locality</p>
<p><i>Distribution</i></p> <p>The ability of residents to gain access to public open space within an easy walk from home, workplaces, and schools is an important factor for quality of life. The geographic distribution of open space is a key access and equity issue for the community.</p>	<p>Distance of open space from houses by size:</p> <ul style="list-style-type: none">) Regional open spaces (> 5 ha) 5–10 km) District open spaces (2–5 ha) 2 km) Local open space(0.5–2 ha) 400 m) Distance of open space from workplaces 400 m) Distance of open space from schools 400 m 	<p>Lot 49 has an area of 1742m2. This is well below local open space standards. Access to district and regional open space areas are within 400m to 2km from residential areas</p>
<p><i>Size and shape</i></p> <p>Size and shape of open space has a direct bearing on the capacity of that open space to meet and accommodate a range of recreation activities and needs.</p>	<p>Desirable minimum size of a local park is 3000 m. Road frontage and visibility are key considerations. Sporting facilities also have specific size and shape requirements that need to be met to provide functional space for their use.</p>	<p>Lot 49 has an area of 1742m2. This is well below local open space standards. Due to the narrow frontage to a public road and narrow access, the land is considered poorly shaped for the purpose of public use</p>
<p><i>Quantity</i></p> <p>In high-density areas, good provision of public open space is essential to compensate for the lack of private open space to support active living and contribute to a more liveable</p>	<p>Quantity should be considered in the number of opportunities available. Larger public open space areas mean more opportunities can be provided in one location. Quantity of land available, along with size and shape, are critical in adequately meeting sporting needs. There are minimum areas needed for different sporting outcomes.</p>	<p>There are a number of recreational opportunities in the immediate surrounding area with direct access to the areas of open space to the north of the existing residential precinct</p>

Performance Criteria	Relevant indicator	Suitability of Lot 49
neighbourhood		
<p><i>Quality</i></p> <p>The quality of park embellishment and ongoing maintenance and management is critical to attracting use and activation of the open space network.</p>	<p>Key characteristics of open space that influence quality include:</p> <ul style="list-style-type: none">) visual and physical access) landscape setting) condition of facilities and equipment) maintenance) number of activations within the space) size, shape, and topography) adjacent land uses) amount of vegetation) biodiversity outcomes. 	<p>Lot 49 is undeveloped open space. The land forms part of the existing open space landscape setting visible from Golf Club Drive. The land is visible from the end of Lake Paddock Drive. There are no activations in the immediate area.</p>
<p><i>Diversity</i></p> <p>The range of open space setting types within a given area will determine the diversity of recreation opportunity for a community.</p>	<p>Outdoor recreation opportunities are categorised as:</p> <ul style="list-style-type: none">) local play for the very young) local children's play) older children's activity space) youth recreation space) local recreation space) active recreation space) large community outdoor recreation area) fitness and exercise space) trail and path-based recreation) organised sport and recreation) off-leash dog exercise area 	<p>Lot 49 does not meet the criteria for outdoor recreation opportunities due to location, size and shape.</p>

Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The proposed planning proposal is the best means of achieving the objectives and intended outcomes.

Section B – Relationship to strategic planning framework.

Is the planning proposal consistent with the objectives and actions of the applicable regional, sub-regional or district plan or strategy (including any exhibited draft plans or strategies)?

The Riverina Murray Regional Plan 2036

The *Riverina Murray Regional Plan 2036* is a 20-year blueprint for the future of the Riverina Murray, approved by the Department of Planning and Environment in 2017. The Riverina Murray region consists of 20 local government areas: Albury, Berrigan, Bland, Carrathool, Coolamon, Cootamundra-Gundagai, Edward River, Federation, Greater Hume, Griffith, Hay, Junee, **Leeton**, Lockhart, Murray River, Murrumbidgee, Narrandera, Snowy Valleys, Temora and Wagga Wagga.

The *Riverina Murray Regional Plan 2036* identifies that the Riverina Murray region in 2036 will be a diversified economy founded on Australia's food bowl, iconic waterways, a strong network of vibrant and connected communities and with its population expected to increase by 11,150 people.

In terms of Leeton's contribution to this population increase for the Riverina Murray region, the 2016 census shows that Leeton's population to be 11,168, up 1.2% from 11,037 in 2011. Leeton Shire Council's Economic Development, Tourism and Events strategic plan titled '*Envisage 2024, Going for Growth*' indicates the population to reach 12,528 by 2036, an increase of 12.1% from 2016. It also forecasts the age structure in Leeton Shire up until 2026 will see an 11.7% increase in population under the working age and a 26.3% increase in population at retirement age.

The *Riverina Murray Regional Plan 2036* identifies that:

'Agriculture is integral to the success of the economy and a major force in the State. The Riverina Murray makes the largest regional contribution to agricultural production in NSW (\$1.4 billion). Agricultural productivity, combined with the region's strategic locational advantages and value-added manufacturing capabilities, make for an exciting future for this region.'

Leeton plays an important role in the regions agricultural economic success. The plan's narrative for the Leeton local government area is as follows:

'Leeton's economy is primarily driven by agriculture, with citrus, rice, grapes and wheat important commodities. The shire is home to the Sunrice Headquarters, Berri Juices,

Swift Beef Cattle Feedlot, Freedom Foods and Murrumbidgee Irrigation, and is an important education centre for the Riverina Murray region.'

The Plan has four (4) main goals for the region:

1. *A growing and diverse economy*
2. *A healthy environment with pristine waterways*
3. *Efficient transport and infrastructure networks*
4. *Strong, connected and healthy communities*

Goal 4. Strong, connected and healthy communities, is directly applicable to this planning proposal. Specifically, within goal 4; the proposal is consistent with the following directions and its applicable actions:

-) *Direction 25 – building housing capacity to meet demand, and*
-) *Direction 26 – provide greater Housing Choice.*

Direction 25 states:

'Housing in the region has historically been characterised by single detached dwellings, with some larger residential lots and rural lifestyle options. As the population grows and changes, there will be demand for new housing and a greater variety of housing. Making more housing available in existing urban areas will be more sustainable because it takes advantage of existing infrastructure and services.'

Actions from this direction applicable to the proposal are:

25.2 – Facilitate increased housing choice, including townhouses, villas and apartments in regional cities and locations close to existing services and jobs.

Direction 26 states:

'Greater housing choice is needed to cater for changing household size, particularly a rise in the number of single person households and a decrease in the number of occupants in each household, the needs of tourists and an ageing population. More studio, one-and two-bedroom homes, and smaller homes that have good access to infrastructure and services will be needed.'

'The region experiences a large influx of seasonal workers to support agribusiness industries, including wine, orchard fruit (including citrus and nuts) and cotton and berry industries, particularly during harvest periods. An adequate range of accommodation, or capacity within existing options, needs to be provided to meet the future needs of seasonal workers.'

Actions from this direction applicable to the proposal are:

26.7 Promote incentives to encourage greater housing affordability, including a greater mix of housing in new release areas.

This Planning Proposal supports the objectives, actions, desired outcomes, economic drivers and future growth directions detailed in the *Riverina Murray Regional Plan 2036* across the Leeton LGA by:

-) increasing the available stock of vacant residential land in an appropriate location; and
-) providing greater housing choice within an existing residential area

Is the planning proposal consistent with a council's local strategy or other local strategic plan?

Relevant Local Strategies

Council has prepared a Strategic Community Plan entitled *Leeton on the Go, Our Community Strategic Plan – Toward 2030*.

The current Planning Proposal is consistent with Leeton Shire Community Vision in that Plan being:

'To enjoy outstanding lifestyles and prosperous livelihoods within a caring and inclusive community and a healthy environment.'

Specifically, the Planning Proposal is considered to be consistent with the following key theme of that Plan:

-) *Theme 1 - A Healthy and Caring Community* – Specifically its sub-theme 'A community that enjoys good housing.' This sub-theme addresses the community's aspirations for housing types, availability and affordability and where housing opportunities will be available in ten years' time. The planning proposal is consistent with the 'How can we do this' actions of the theme which are:
 - *By identifying land that might be good for building more houses, including special housing types like elderly, youth, lower income and backpacker places and making sure there is enough transport available for their needs.*
 - *By promoting house builds that foster health and wellbeing and long-term affordability.*
 - *By promoting Leeton as an attractive location for housing development.*

Is the planning proposal consistent with applicable State Environmental Planning Policies?

The Planning Proposal is generally consistent with all applicable SEPPs (**Refer Attachment 3**).

Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

The Planning Proposal is generally consistent with Ministerial Directions under Section 117(2) **(Refer Attachment 3)** The Planning Proposal does not impact identified flood liable or bushfire prone lands.

Any variations to these Directions **are considered to be of minor significance.**

Section C – Environmental, social and economic impact

Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The proposed changes will not impact on critical habitats. The land to which this planning proposal relates is not identified as critical habitat.

Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

There are no other likely environmental effects as a result of the Planning Proposal.

Has the planning proposal adequately addressed any social and economic effects?

The planning proposal is considered to have a positive effect on the local community and economy. The social effects of the development of open space land to service the immediate surrounding population will result in a positive outcome.

The planning proposal will:

-) facilitate the development and enhancement of open space within an existing residential area
-) provide direct social benefits to the local community
-) enhance the development of open space land that is currently undeveloped and detracts from the amenity of the surrounding residential area

The planning proposal will indirectly:

-) increase the available stock of vacant residential land
-) providing greater housing choice within an existing residential area; and
-) create opportunities to support the development of a suitable open space network for Leeton

Section D – State and Commonwealth interests

Is there adequate public infrastructure for the planning proposal?

There are no significant public infrastructure impacts associated with the Planning Proposal. Notwithstanding, Council has contribution plan pursuant to the previous section 94A of the *Environmental Planning and Assessment Act 1979* and a contribution plan pursuant to Section 64 of the *Local Government Act 1993* to facilitate the recoupment of cost associated with any public infrastructure works or upgrades which may be required.

The section 94A plan applies across the Leeton local government area and contributions will apply to all developments within Zone R2 Low Density Residential to which this proposal seeks to be permitted which are valued over \$100,000.00. The plan assists Council in provision of appropriate public facilities which are required to maintain and enhance amenity and service delivery within the area.

Council's section 64 plan applies across Zone R2 Low Density Residential and enables Council to levy contributions in relation to development proposals where the anticipated development will or is likely to increase the demand for public facilities or infrastructure.

What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?

Relevant State Government agencies will be consulted in accordance with requirements of any future Gateway determination issued by the Department of Planning and Environment. The Department of Planning and Environment were also consulted prior to the preparation of the resolution for Council to proceed with this Planning Proposal.

There are no Commonwealth public authorities considered to be directly impacted by the Planning Proposal.

7. Part 4 – Maps

The planning proposal will require alterations to the *Leeton Local Environmental Plan 2014* maps.

Attachment 4 contains the alterations to mapping from the *Leeton Local Environmental Plan 2014*

8. Part 5 – Community consultation

Wider community consultation will be commenced by giving notice of the public exhibition of the Planning Proposal:

-) in a newspaper that circulates in the area affected by the Planning Proposal i.e. The Leeton Irrigator, and
-) on the web-site of the Leeton Shire Council

The written notice will:

-) give a brief description of the objectives or intended outcomes of the Planning Proposal
-) indicate the land affected by the Planning Proposal
-) state where and when the Planning Proposal can be inspected
-) give the name and address of the RPA for the receipt of submissions
-) indicate the closing date for submissions.

During the exhibition period, the following material will be made available for inspection:

-) the Planning Proposal, in the form approved for community consultation by the Director General of Planning
-) the Gateway Determination
-) any studies relied upon by the Planning Proposal.

The initial gateway determination will confirm the public consultation that must be undertaken in relation to the Planning Proposal. If the gateway determination specifies different consultation requirement this part of the proposal will be revised to reflect the terms of the gateway determination.

In the interest of keeping communication open from the outset, key stakeholders will be identified and contacted directly to ensure that they are aware of the Planning Proposal and are given the opportunity to communicate their concerns and ideas in regard to the development.

9. Part 6 – Project Timeline

Table 1: Project Timeline

Task	Anticipated Timeframe
Commencement date (date of Gateway determination)	4 weeks
Completion of required technical information	1 week
Government agency consultation (pre and post exhibition as required by Gateway determination)	3 weeks
Commencement and completion dates for public exhibition period	4 weeks
Dates for public hearing (required)	N/A
Consideration of submissions	2 weeks
Consideration of a proposal post exhibition	2 weeks
Date of submission to the Department to finalise the LEP	1 week
Anticipated date RPA will make the plan (if delegated)	TBD
Anticipated date RPA will forward to the Department for notification.	TBD

Attachment 1 Title search details – Lot 49 DP 1114977



LAND
REGISTRY
SERVICES

Title Search



NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 49/1114977

SEARCH DATE	TIME	EDITION NO	DATE
31/7/2018	4:34 PM	1	20/8/2007

LAND

LOT 49 IN DEPOSITED PLAN 1114977
AT LEETON
LOCAL GOVERNMENT AREA LEETON
PARISH OF YARANGERY COUNTY OF COOPER
TITLE DIAGRAM DP1114977

FIRST SCHEDULE

LEETON SHIRE COUNCIL

SECOND SCHEDULE (4 NOTIFICATIONS)

- 1 LAND EXCLUDES MINERALS AND IS SUBJECT TO RESERVATIONS AND CONDITIONS IN FAVOUR OF THE CROWN - SEE MEMORANDUM S700000A
- 2 EASEMENT TO FLOOD AFFECTING THE WHOLE OF THE LAND ABOVE DESCRIBED - SEE GOV. GAZ. 23-7-1948 FOL. 1835 & 1836 AND BK.2070 NO.905
- 3 THE LAND WITHIN DESCRIBED IS PUBLIC RESERVE
- 4 DP1114977 RESTRICTION(S) ON THE USE OF LAND

NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

Golf Club Drive

PRINTED ON 31/7/2018

* Any entries preceded by an asterisk do not appear on the current edition of the Certificate of Title. Warning: the information appearing under notations has not been formally recorded in the Register. InfoTrack an approved NSW Information Broker hereby certifies that the information contained in this document has been provided electronically by the Registrar General in accordance with Section 96B(2) of the Real Property Act 1900.

Attachment 2 Council report and resolution to prepare Planning Proposal

ITEM 8.11 RECLASSIFICATION OF LAND AS OPERATIONAL - GOLF COURSE ESTATE

RECORD NUMBER	18/334
RELATED FILE NUMBER	EF16/17
AUTHOR/S	Manager Planning, Building and Health
APPROVER/S	Interim Director Environment and Engineering

SUMMARY/PURPOSE

The purpose of this report is to seek a Council resolution to reclassify an area of Council owned land from Community Land to Operational land within the Golf Course Estate.

RECOMMENDATION

THAT Council:

1. Resolves to initiate the process to reclassify Lot 49 in DP 1114977, 26 Lake Paddock Drive, Golf Course Estate, from Community Land to Operational Land under Section 32 of the Local Government Act 1993, as Council is satisfied that this land is unsuitable for the purpose of recreation and open space due to its size and shape.
 2. Commence public notice of its intention to reclassify Lot 49 in DP 1114977 from Community Land to Operational Land for a period of 28 days.
 3. Consider a further report at the completion of the public notification period seeking a formal resolution to reclassify Lot 49 in DP 1114977 from Community Land to Operational Land under Section 32 of the Local Government Act 1993.
-

REPORT

(a) Background

On 5 February 2002 Council granted development consent for a 103 lot residential subdivision in McQuillan Road, subject to conditions including the requirement to pay a total of \$82,943.05 as a contribution for the provision of Recreation and Open Space.

Upon a request from the developer, Council then reviewed this contribution on 26 May 2004 to "reduce the Recreation and Open Space Contribution to \$34,943.05 for Development Application 192/2001 and accept the dedication of 6,000m² of open space".

In effect this resulted in Council having a total area of 10,570m², divided between Lot 48 (detention basin with an area of 8,828m²) and Lot 49 (26 Lake Paddock Drive residential lot with an area of 1,742m²).

(b) Discussion

Council has allocated \$25,000 in the current 2018/2019 Operation Plan for preliminary landscaping works in readiness for the establishment of a playground in 2019/2020 as specified in the Playground Strategy.

The initial design considerations for this area have realised that the total combined area of Lots 48 and 49 is excessive to requirements.

It is considered that there is an opportunity to realise the asset value of Lot 49 for resale as a residential allotment with the proceeds being directed to the future development of the playground on Lot 48.

In accordance with Section 32 of the Local Government:

1. *A council may resolve that land dedicated in accordance with a condition imposed under section 94 of the Environmental Planning and Assessment Act 1979 is to be reclassified as operational land.*
2. *A council may make such a resolution only if it is satisfied that the land has been found to be unsuitable for the provision, extension or augmentation of public amenities and public services because of any one or more of the following*
 - *size of the land*
 - *shape of the land*
 - *topography of the land*
 - *location of the land*
 - *difficulty of providing public access to the land.*
3. *The council must specify in the resolution the grounds on which it is satisfied the land is unsuitable.*
4. *Before making the resolution, the council must give public notice of the resolution. The public notice must specify a period of not less than 28 days during which submissions may be made to the council.*
5. *The net proceeds of sale by a council of any land dedicated in accordance with a condition imposed under section 94 of the Environmental Planning and Assessment Act 1979 must be dealt with under that section as if those net proceeds were a monetary contribution paid instead of the dedication.*

In this instance it is considered that the size, shape and location of Lot 49 makes it unsuitable for its development as a recreation or open space facility and should Council resolve to reclassify it to operational, the intention would then be to offer it for sale as a residential allotment and the proceeds be allocated to the establishment of a recreational and open space facility on Lot 48.

(c) Options

Council would have the following options:

1. Resolve not to reclassify Lot 49. This would mean that it would need to continue to maintain the site as it is unsuitable for future development as a recreational and open space site.
2. Resolve to reclassify Lot 49 and use the proceeds of the eventual sale to augment the future development of Lot 48 as a recreational and open space site.

IMPLICATIONS TO BE ADDRESSED

(a) Financial

Should the sale of the land proceed the funds realised would augment the future development of Lot 48 and offset the associated costs such as planning reports and legal and conveyancing costs.

Should Council resolve not to reclassify the land it will continue to accrue costs associated with its ongoing maintenance.

(b) Policy

Nil

(c) Legislative/Statutory

Council will need to comply with section 32 of the Local Government Act 1993.

(d) Risk

Nil

CONSULTATION

(a) External

Nil at this stage. Council will need to consult with the community before formally resolving the reclassification and sale of Lot 49.

(b) Internal

Manager Open Space & Recreation
Manager Engineering
Manager Planning Building and Health
Contract Property Co-ordinator and Native Title Manager

LINK/S TO THE DELIVERY PROGRAM/OPERATIONAL PLAN (DPOP)

Under the Key Priority Area THEME 1 - "A HEALTHY AND CARING COMMUNITY" within Council's adopted Delivery Program/Operational Plan – 05 - A community that enjoys good housing - 5b is to "Expand the range of residential opportunities across the Shire - Consider introduction of mixed zone (commercial and residential) in Leeton CBD".

ATTACHMENTS

1 [↓](#) Site Plan showing Lots 48 & 49



Leeton Shire Council
 21 Chalmers Place
 LEETON NSW 2705
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 Fax: 02 6951 2117
 Web: www.leeton.nsw.gov.au

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Projection: GDA94 / MGA zone 55

Date: 9/08/2018

Created By: Leah Cline

Occupation Certificate	\$ 34.00
Development Fee	\$ 825.00
Principal Certifying Agent Fee	\$ 200.00
Section 94A Levy	\$ 900.00
Construction Certificate	\$ <u>580.25</u>

TOTAL **\$ 2,539.25**

(Moved Cr Nardi, seconded Cr Smith)

The Mayor Cr Maytom vacated the Chair at 8.15pm and the Deputy Mayor Cr Weston assumed the role of meeting Chair.

Item 8.11 RECLASSIFICATION OF LAND AS OPERATIONAL - GOLF COURSE ESTATE

18/160

Resolved

THAT Council:

1. Resolves to initiate the process to reclassify Lot 49 in DP 1114977, 26 Lake Paddock Drive, Golf Course Estate, from Community Land to Operational Land under Section 32 of the Local Government Act 1993, as Council is satisfied that this land is unsuitable for the purpose of recreation and open space due to its size and shape.
2. Commences public notice of its intention to reclassify Lot 49 in DP 1114977 from Community Land to Operational Land for a period of 28 days.
3. Considers a further report at the completion of the public notification period seeking a formal resolution to reclassify Lot 49 in DP 1114977 from Community Land to Operational Land under Section 32 of the Local Government Act 1993.

(Moved Cr Davidson, seconded Cr Nardi)

9. STATEMENTS BY COUNCILLORS

The Mayor returned to the Chamber at 8.17pm and resumed the Chair.

Councillor Sandra Nardi

Farewell to Roxy Manager – Would like to acknowledge the work that Clay Pasquetti has undertaken at the Roxy Community Theatre. Working along side him for the McLeods Daughters event was appreciated. I would like to wish him all the best.

ITEM 8.13 REZONING OF LAND - 26 LAKE PADDOCK DRIVE AND 98 ACACIA AVENUE EAST

RECORD NUMBER	18/368
RELATED FILE NUMBER	EF11/103
AUTHOR/S	Manager Planning, Building and Health
APPROVER/S	Director Environment and Engineering

SUMMARY/PURPOSE

The purpose of this report is to seek a Council resolution to commence the planning process to rezone the following two separate parcels of Council owned land:

1. Lot 49 in DP 1114977, 26 Lake Paddock Drive, Leeton, from Public Recreation RE1 to Low Density Residential R2.
2. Lot 742 in DP 751745, 98 Acacia Avenue East, Leeton, from Public Recreation RE1 to Commercial Core B3.

RECOMMENDATION

THAT Council resolves to:

1. Rezone Lot 49 in DP 1114977, 26 Lake Paddock Drive, Leeton, from Public Recreation RE1 to Low Density Residential R2.
 2. Rezone Lot 742 in DP 751745, Acacia Avenue East, Leeton, from Public Recreation RE1 to Commercial Core B3.
 3. Prepare and submit a Planning Proposal to NSW Planning and Environment seeking a Gateway determination to amend the Leeton Local Environmental Plan 2014 by rezoning of 26 Lake Paddock Drive Leeton and 98 Acacia Avenue East Leeton.
 4. Request authorisation from NSW Planning and Environment to exercise the functions of the Minister for Planning under section 3.36 of the Environmental Planning & Assessment Act 1979 in relation to the Planning Proposal.
 5. Authorise the Mayor and General Manager to sign all necessary documents in relation to this matter.
-
-

REPORT

(a) Background

(i) 26 Lake Paddock Drive Leeton

At the Ordinary Council Meeting held on 22 August 2018, Council discussed a report on the need for this land to be used as a recreational area.

Council determined it was not needed for recreational or any other purpose and resolved to re-classify this land from community to operational land in accordance with the Local Government Act 1993.

It then resolved to sell the land as a residential lot, the proceeds from the sale then being allocated to the development of a new recreational area adjacent to this site.

To permit this proposal to happen the land will also need to be rezoned from RE1 Public Recreation to the adjacent residential zone Low Density Residential R2.

(ii) 98 Acacia Avenue East, Leeton

This land is the site of the previous Leeton Golf Club Clubhouse facilities.

Council was granted ownership of this site by its previous owner, the Leeton Soldiers Club, following Council's agreement to manage and fund the operation of the golf course.

The clubhouse facilities previously contained a bar, restaurant and function rooms and were demolished several years ago.

The site is currently zoned Public Recreation RE1 which permits the redevelopment as an entertainment facility, food and drink premises, function centre and recreation facility (indoor).

Consideration has recently been given to maximise the future potential of this site should clubhouse facilities again be established by adding flexibility by way of potential other land uses in order to increase the long term sustainability of the golf club and course.

(b) Discussion

The procedure for Council to rezone these two lots is to firstly resolve to support the change to the Leeton Environmental Plan 2014 by rezoning Lots 49 & 742, prepare a Planning Report which is then submitted to NSW Planning & Environment who will provide a gateway determination by either supporting the proposal and or refusing to support the proposal.

If agreeable to the change, the NSW Planning & Environment Department will require Council to undertake public consultation, which may also require a public meeting.

In relation to Lot 49 in DP 1114977, 26 Lake Paddock Drive, Leeton, Council has already supported the reclassification of the site from community to operational land to permit the sale of the lot in order to fund the future development of recreational facilities on the adjoining lot.

In relation to Lot 742 in DP 751745, Acacia Avenue East, Leeton, it is considered that the most beneficial zoning that will permit the widest possible future uses of the site is Commercial Core B3.

The B3 zone extends from Yanco Avenue to the corner of Maiden Avenue and Acacia Avenue East. A B3 zone will permit, amongst other uses, commercial premises, entertainment facilities, function centres, recreational facilities (indoor), registered clubs, hotels, motels and food and drink facilities, as well as residential accommodation such as multi dwelling housing and residential flat buildings.

The land opposite the site in Acacia Avenue East is zoned Medium Density Residential R3 which does not permit entertainment facilities, function centres, recreational facilities (indoor), registered clubs, hotels or motels.

(c) Options

Council would have the following options;

1. In relation to Lot 49 in DP 1114977, 26 Lake Paddock Drive, Leeton, Council's options are probably limited to resolving to rezone the lot, as it has already resolved to reclassify it to operational land so that it may be sold to raise income to undertake the development of a recreational facility on adjoining land. Should the lot not be rezoned it would make the sale of this land impossible as the current zone prohibits the erection of a dwelling.
2. In relation to Lot 742 in DP 751745, 98 Acacia Avenue East, Leeton, could either to resolve to submit a planning proposal to rezone the lot to Commercial Core B3 to increase the range of permissible land uses in order to enhance the future economic sustainability of the golf course or it may choose not to rezone this land and utilise it for a new golf club house only (which is permitted under the current zone).

IMPLICATIONS TO BE ADDRESSED

(a) Financial

The resources required to prepare the planning proposal for the rezoning of Lots 49 and 742 has not been included in Council's 2018/2019 Operational Plan.

It is envisaged that the cost of appointing external planning services to undertake this project could be in the range of \$5,000 to \$8,000 which will be funded from the Town Planning Budget.

Policy

In accordance with Execution of Documents Matrix.

(b) Legislative/Statutory

The process to rezone Lots 49 and 742 will need to comply with the NSW Planning & Environment guidelines on the preparation of planning proposals.

(c) Risk

It is possible that NSW Planning & Environment may not grant approval to the planning proposal. To minimise this risk, the planning proposal will need to fully demonstrate the strategic merits of the proposed re-zonings.

CONSULTATION

(a) External

Nil at this stage. Council will need to consult with the community before formally resolving the reclassification and sale of Lot 49.

Council will also be required to consult the community about the planning proposals that are the subject of this report, if the recommendation is adopted.

(b) Internal

Manager Open Space & Recreation
General Manager

LINK/S TO THE DELIVERY PROGRAM/OPERATIONAL PLAN (DPOP)

Under the Key Priority Area THEME 2 - "AN ACTIVE AND ENRICHED COMMUNITY" within Council's adopted Delivery Program/Operational Plan – 06 - A community that participates in sports and active leisure - 6b is to "Support local sport and recreation clubs to remain viable - Respond to local sports and recreation clubs seeking advice and assistance from Council".

Under the Key Priority Area THEME 5 – "A QUALITY BUILT ENVIRONMENT" within Council's adopted Delivery Program/Operational Plan – 17 – A community that enjoys attractive towns and parks – 17a is to "Provide open spaces for active and passive leisure – To have suitably equipped playgrounds that are fun, safe, fit for purpose and cater for diverse needs".

ATTACHMENTS

There are no attachments for this report.

Item 8.13 REZONING OF LAND - 26 LAKE PADDOCK DRIVE AND 98 ACACIA AVENUE EAST

18/179

Resolved

THAT Council resolves to:

1. Rezone Lot 49 in DP 1114977, 26 Lake Paddock Drive, Leeton, from Public Recreation RE1 to Low Density Residential R2.
2. Rezone Lot 742 in DP 751745, Acacia Avenue East, Leeton, from Public Recreation RE1 to Commercial Core B3.
3. Prepare and submit a Planning Proposal to NSW Planning and Environment seeking a Gateway determination to amend the Leeton Local Environmental Plan 2014 by rezoning of 26 Lake Paddock Drive Leeton and 98 Acacia Avenue East Leeton.
4. Request authorisation from NSW Planning and Environment to exercise the functions of the Minister for Planning under section 3.36 of the Environmental Planning & Assessment Act 1979 in relation to the Planning Proposal.
5. Authorise the Mayor and General Manager to sign all necessary documents in relation to this matter.

(Moved Cr Kidd, seconded Cr Smith)

Item 8.14 UPDATE ON LEETON FLOODPLAIN MANAGEMENT COMMITTEE

18/180

Resolved

THAT Council:

1. Notes the information contained within this report.
2. Nominates and endorses Cr Peter Davidson and Cr Mayor Paul Maytom to become members of the Leeton Shire Council Floodplain Management Committee.
3. Notes and endorses community and stakeholder membership of the Leeton Shire Council Floodplain Management Committee.

(Moved Cr Reneker, seconded Cr Smith)

Attachment 3 Consistency with SEPPs and S117 Directions

Attachment 3: Request for initial gateway determination - State Environmental Planning Policy (SEPP) Checklist

<i>SEPP Title</i>	<i>Summary of SEPP</i>	<i>Applicable to Planning Proposal</i>	<i>Consistency</i>
State Environmental Planning Policy No. 1 – Development Standards	Makes development standards more flexible. It allows councils to approve a development proposal that does not comply with a set standard where this can be shown to be unreasonable or unnecessary.	N/A	N/A
State Environmental Planning Policy No. 14 – Coastal Wetlands	Ensures coastal wetlands are preserved and protected for environmental and economic reasons. The policy applies to local government areas outside the Sydney metropolitan area that front the Pacific Ocean.	N/A	N/A
State Environmental Planning Policy No. 19 – Bushland in Urban Areas	Protects and preserves bushland within certain urban areas, as part of the natural heritage or for recreational, educational and scientific purposes. The policy is designed to protect bushland in public open space zones and reservations, and to ensure that bush preservation is given a high priority when local environmental plans for urban development are prepared.	N/A	N/A
State Environmental Planning Policy No. 24 – Caravan Parks	Ensures that where caravan parks or camping grounds are permitted under an environmental planning instrument, movable	N/A	N/A

<i>SEPP Title</i>	<i>Summary of SEPP</i>	<i>Applicable to Planning Proposal</i>	<i>Consistency</i>
	<p>dwellings, as defined in the Local Government Act 1993, are also permitted. The specific kinds of movable dwellings allowed under the Local Government Act in caravan parks and camping grounds are subject to the provisions of the Caravan Parks Regulation. The policy ensures that development consent is required for new caravan parks and camping grounds and for additional long-term sites in existing caravan parks. It also enables, with the council's consent, long-term sites in caravan parks to be subdivided by leases of up to 20 years</p>		
State Environmental Planning Policy No. 26 – Littoral Rainforests	Protects littoral rainforests, a distinct type of rainforest well suited to harsh salt-laden and drying coastal winds. The policy requires that the likely effects of proposed development be thoroughly considered in an environmental impact statement.	N/A	N/A
State Environmental Planning Policy No. 29 – Western Sydney Recreation Area	Enables development to be carried out for recreational, sporting and cultural purposes within the Western Sydney Recreation Area, including the development of a recreation area of State significance.	N/A	N/A
State Environmental Planning Policy No. 33 –	Provides new definitions for 'hazardous industry', 'hazardous storage establishment',	N/A	N/A

SEPP Title	Summary of SEPP	Applicable to Planning Proposal	Consistency
Hazardous & Offensive Industry	'offensive industry' and 'offensive storage establishment'. The definitions apply to all planning instruments, existing and future. The new definitions enable decisions to approve or refuse a development to be based on the merit of proposal. The policy does not change the role of councils as consent authorities, land zoning, or the designated development provisions of <i>the Environmental Planning and Assessment Act 1979</i> .		
State Environmental Planning Policy No. 36 – Manufactured Home Estate	Helps establish well-designed and properly serviced manufactured home estates (MHEs) in suitable locations. Affordability and security of tenure for residents are important aspects. The policy applies to Gosford, Wyong and all local government areas outside the Sydney Region. To enable the immediate development of estates, the policy allows MHEs to be located on certain land where caravan parks are permitted. A section 117 direction issued in conjunction with the policy guides councils in preparing local environmental plans for MHEs, enabling them to be excluded from the policy	N/A	N/A
State Environmental Planning Policy No. 44 –	Encourages the conservation and management of natural vegetation areas that provide habitat	N/A	Whilst not directly applicable to this planning proposal, any future

<i>SEPP Title</i>	<i>Summary of SEPP</i>	<i>Applicable to Planning Proposal</i>	<i>Consistency</i>
Koala Habitat Protection	for koalas to ensure permanent free-living populations will be maintained over their present range.		development of the site will be assessed on its merits against the provisions of this policy. The planning proposal is subsequently considered to be consistent with the aims and objectives of the SEPP.
State Environmental Planning Policy No. 47 – Moore Park Showground	Enables the redevelopment of the Moore Park Showground for film and television studios and film-related entertainment facilities in a manner that is consistent with the Showground's status as an area important to the State and for regional planning.	N/A	N/A
State Environmental Planning Policy No. 50 – Canal Estate Development	Bans new canal estates from the date of gazettal, to ensure coastal and aquatic environments are not affected by these developments	N/A	N/A
State Environmental Planning Policy No. 55 – Remediation of Land	Introduces state-wide planning controls for the remediation of contaminated land. The policy states that land must not be developed if it is unsuitable for a proposed use because it is contaminated. If the land is unsuitable, remediation must take place before the land is developed. The policy makes remediation permissible across the State, defines when consent is required, requires all remediation to	N/A	Whilst not directly applicable to this planning proposal, any future development proposals for the site will be assessed on its merits against the provisions of this policy. The land use itself is also not considered to be a contaminating use. The planning proposal is subsequently considered to be consistent with the aims and

<i>SEPP Title</i>	<i>Summary of SEPP</i>	<i>Applicable to Planning Proposal</i>	<i>Consistency</i>
	comply with standards, ensures land is investigated if contamination is suspected, and requires councils to be notified of all remediation proposals. To assist councils and developers, the Department, in conjunction with the Environment Protection Authority, has prepared Managing Land Contamination: Planning Guidelines		objectives of the SEPP.
State Environmental Planning Policy No. 64 – Advertising & Signage	Aims to ensure that outdoor advertising is compatible with the desired amenity and visual character of an area, provides effective communication in suitable locations and is of high quality design and finish. The SEPP was amended in August 2007 to permit and regulate outdoor advertising in transport corridors (e.g. freeways, tollways and rail corridors).	N/A	N/A
State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development	Raises the design quality of residential flat development across the state through the application of a series of design principles. Provides for the establishment of Design Review Panels to provide independent expert advice to Councils on the merit of residential flat development. The accompanying regulation requires the involvement of a	N/A	N/A

<i>SEPP Title</i>	<i>Summary of SEPP</i>	<i>Applicable to Planning Proposal</i>	<i>Consistency</i>
	qualified designer throughout the design, approval and construction stages		
State Environmental Planning Policy No. 70 – Affordable Housing (Revised Schemes)	<p>Extends the life of affordable housing provisions relating to: Sydney Regional Environmental Plan No. 26 - City West, Willoughby Local Environmental Plan 1995, South Sydney Local Environmental Plan 1998. Schemes such as these are helping to provide affordable housing in areas undergoing significant redevelopment.</p> <p>In February 2019 expanded to include all councils across NSW expediting councils' ability to investigate and develop an affordable housing contributions scheme.</p>	N/A	N/A
State Environmental Planning Policy No 71 – Coastal Protection	The policy has been made to ensure that development in the NSW coastal zone is appropriate and suitably located, to ensure that there is a consistent and strategic approach to coastal planning and management and to ensure there is a clear development assessment framework for the coastal zone.	N/A	N/A
State Environmental Planning Policy (Affordable Rental	Establishes a consistent planning regime for the provision of affordable rental housing. The policy provides incentives for new affordable	N/A	N/A

<i>SEPP Title</i>	<i>Summary of SEPP</i>	<i>Applicable to Planning Proposal</i>	<i>Consistency</i>
Housing) 2009	rental housing, facilitates the retention of existing affordable rentals, and expands the role of not-for-profit providers. It also aims to support local centres by providing housing for workers close to places of work, and facilitate development of housing for the homeless and other disadvantaged people.		
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	This SEPP operates in conjunction with Environmental Planning and Assessment Amendment (Building Sustainability Index: BASIX) Regulation 2004 to ensure the effective introduction of BASIX in NSW.	Yes	Whilst not directly applicable to this planning proposal, any future development proposals for the site will be assessed on its merits against the provisions of this policy. The planning proposal is subsequently considered to be consistent with the aims and objectives of the SEPP.
State Environmental Planning Policy (Educational Establishments and Childcare Facilities) 2017	State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 contains provisions that make it easier for child-care providers, schools, TAFEs and universities to build new facilities and improve existing ones by streamlining approval processes to save time and money and deliver greater consistency across NSW. The SEPP balances the need to deliver additional educational infrastructure	N/A	N/A

<i>SEPP Title</i>	<i>Summary of SEPP</i>	<i>Applicable to Planning Proposal</i>	<i>Consistency</i>
	with a focus on good design.		
State Environmental Planning Policy (Exempt & Complying Development Codes) 2008	Streamlines assessment processes for development that complies with specified development standards. The policy provides exempt and complying development codes that have State-wide application, identifying, in the General Exempt Development Code, types of development that are of minimal environmental impact that may be carried out without the need for development consent; and, in the General Housing Code, types of complying development that may be carried out in accordance with a complying development certificate as defined in the <i>Environmental Planning and Assessment Act 1979</i> .	Yes	Whilst not directly applicable to this planning proposal, any future development proposals for the site will be assessed on its merits against the provisions of this policy. The planning proposal is subsequently considered to be consistent with the aims and objectives of the SEPP.
State Environmental Planning Policy (Housing for Seniors & People with a Disability) 2004	Encourage the development of high quality accommodation for our ageing population and for people who have disabilities - housing that is in keeping with the local neighbourhood. Note the name of this policy was changed from SEPP (Seniors Living) 2004 to SEPP (Housing for Seniors or People with a Disability) 2004 effective 12.10.07	N/A	N/A
State Environmental	Provides a consistent planning regime for	N/A	N/A

<i>SEPP Title</i>	<i>Summary of SEPP</i>	<i>Applicable to Planning Proposal</i>	<i>Consistency</i>
Planning Policy (Infrastructure) 2007	infrastructure and the provision of services across NSW, along with providing for consultation with relevant public authorities during the assessment process. The SEPP supports greater flexibility in the location of infrastructure and service facilities along with improved regulatory certainty and efficiency.		
State Environmental Planning Policy (Integration and Repeals) 2016	<p>This SEPP serves to repeal the following environmental planning instruments:</p> <ul style="list-style-type: none">) <i>Hunter Regional Environmental Plan 1989 (Heritage),</i>) <i>Illawarra Regional Environmental Plan No 1,</i>) <i>Illawarra Regional Environmental Plan No 2—Jamberoo Valley,</i>) <i>Jervis Bay Regional Environmental Plan 1996,</i>) <i>Lower South Coast Regional Environmental Plan (No 2),</i>) <i>North Coast Regional Environmental Plan,</i>) <i>Orana Regional Environmental Plan No 1—Siding Spring,</i>) <i>Riverina Regional Environmental Plan No</i> 	N/A	N/A

SEPP Title	Summary of SEPP	Applicable to Planning Proposal	Consistency
	<p>1,</p> <p>) <i>State Environmental Planning Policy No 15—Rural Landsharing Communities,</i></p> <p>) <i>State Environmental Planning Policy No 29—Western Sydney Recreation Area,</i></p> <p>) <i>State Environmental Planning Policy No 32—Urban Consolidation (Redevelopment of Urban Land),</i></p> <p>) <i>State Environmental Planning Policy No 39—Spit Island Bird Habitat,</i></p> <p>) <i>State Environmental Planning Policy No 59—Central Western Sydney Regional Open Space and Residential,</i></p> <p>) <i>State Environmental Planning Policy (SEPP 53 Transitional Provisions) 2011,</i></p> <p>) <i>Sydney Regional Environmental Plan No 18—Public Transport Corridors,</i></p> <p>) <i>Sydney Regional Environmental Plan No 19—Rouse Hill Development Area.</i></p>		
State Environmental Planning Policy (Kosciuszko National Park – Alpine Resorts)	The aim of this policy is to strengthen the assessment framework for development within the alpine resorts and to reinforce environmentally sustainable development and	N/A	N/A

<i>SEPP Title</i>	<i>Summary of SEPP</i>	<i>Applicable to Planning Proposal</i>	<i>Consistency</i>
2007	recreational activities within these resorts. The Policy also facilitates the protection of the natural and cultural setting of the alpine resorts in Kosciuszko National Park		
State Environmental Planning Policy (Kurnell Peninsula) 1989	This Policy applies only to the land within the Shire of Sutherland, known as Kurnell Peninsula, and adjacent waterways.	N/A	N/A
State Environmental Planning Policy (Mining, Petroleum Production & Extractive Industries) 2007	This Policy aims to provide for the proper management and development of mineral, petroleum and extractive material resources for the social and economic welfare of the State. The Policy establishes appropriate planning controls to encourage ecologically sustainable development.	N/A	N/A
State Environmental Planning Policy (Miscellaneous Consent Provisions) 2007	<p>This policy provides that the erection of temporary structures is permissible with consent across the State, whilst also ensuring safety and environmental factors are considered.</p> <p>It also provides that development comprising the subdivision of land, the erection of a building or the demolition of a building, to the extent to which it does not already require development consent under another environmental planning instrument, cannot be</p>	N/A	N/A

<i>SEPP Title</i>	<i>Summary of SEPP</i>	<i>Applicable to Planning Proposal</i>	<i>Consistency</i>
	carried out except with development consent.		
State Environmental Planning Policy (Penrith Lakes Scheme) 1989	This SEPP provides a development control process that ensures that environmental and technical matters are considered in the implementation of the Penrith Lakes Scheme	N/A	N/A
State Environmental Planning Policy (State and Regional Development) 2011	This SEPP identifies development and infrastructure that is of State significance and also confers functions on joint regional planning panels to determine development applications.	N/A	N/A
State Environmental Planning Policy (State Significant Precincts) 2005	The aims of this SEPP is to facilitate the development, redevelopment or protection of important urban, coastal and regional sites of economic, environmental or social significance to the State.	N/A	N/A
State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011	<p>The aims of this Policy are to</p> <ul style="list-style-type: none">) provide for healthy water catchments that will deliver high quality water while permitting development that is compatible with that goal, and) to provide that a consent authority must not grant consent to a proposed development unless it is satisfied that the proposed development will have a neutral 	N/A	N/A

<i>SEPP Title</i>	<i>Summary of SEPP</i>	<i>Applicable to Planning Proposal</i>	<i>Consistency</i>
	<p>or beneficial effect on water quality, and</p> <p>) to support the maintenance or achievement of the water quality objectives for the Sydney drinking water catchment.</p>		
State Environmental Planning Policy (Sydney Region Growth Centres) 2006	Provides for the coordinated release of land for residential, employment and other urban development in the North West and South West growth centres of the Sydney Region (in conjunction with Environmental Planning and Assessment Regulation relating to precinct planning).	N/A	N/A
State Environmental Planning Policy (Three Ports) 2013	This SEPP provides a consistent planning regime for the development and delivery of infrastructure on land in Port Botany, Port Kembla and the Port of Newcastle.	N/A	N/A
State Environmental Planning Policy (Urban Renewal) 2010	<p>The aims of this Policy are as follows:</p> <p>) to establish the process for assessing and identifying sites as urban renewal precincts,</p> <p>) to facilitate the orderly and economic development and redevelopment of sites in and around urban renewal precincts,</p> <p>) to facilitate delivery of the objectives of any</p>	N/A	N/A

<i>SEPP Title</i>	<i>Summary of SEPP</i>	<i>Applicable to Planning Proposal</i>	<i>Consistency</i>
	applicable government State, regional or metropolitan strategies connected with the renewal of urban areas that are accessible by public transport.		
State Environmental Planning Policy (Vegetation in non-rural areas) 2017	This policy applies to non-rural areas of the state. It seeks to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, along with preserving the amenity of non-rural areas of the State through the preservation of trees and other vegetation.	N/A	N/A
State Environmental Planning Policy (Western Sydney Employment Area) 2009	Promotes economic development and the creation of employment in the Western Sydney Employment Area by providing for development, including major warehousing, distribution, freight transport, industrial, high technology and research facilities. The policy provides for coordinated planning, development and rezoning of land for employment or environmental conservation purposes.	N/A	N/A
State Environmental Planning Policy (Western Sydney Parklands) 2009	The aim of the policy is to put in place planning controls that will enable the Western Sydney Parklands Trust to develop the Western Parklands into multi-use urban parkland for	N/A	N/A

<i>SEPP Title</i>	<i>Summary of SEPP</i>	<i>Applicable to Planning Proposal</i>	<i>Consistency</i>
	the region of western Sydney.		
State Environmental Planning Policy (Primary Production and Rural Development) 2019	The aims of this Policy are to facilitate the orderly economic use and development of lands for primary production and to encourage sustainable agriculture, including sustainable aquaculture. It also identifies State significant agricultural land and provides a new regulatory framework for development on agricultural lands.	N/A	N/A
Murray REP No. 2 – Riverine Land	Ensures the river and its floodplain are able to support a range of productive land uses. The plan coordinating planning along the Murray River and the implementation of planning-related aspects of the Murray Darling Basin Commission strategies. It simplifies the consultation process between agencies and councils established in REP No. 1. It also promotes consistency between NSW and Victoria planning in relation to the river and its floodplain.	N/A	N/A
Willandra Lakes REP No 1 - World Heritage Property	Applies to the Willandra Lakes Region in the Shires of Wentworth and Balranald. The purpose of the plans is to protect, conserve and manage this World Heritage Property in accordance with any strategic plan of	N/A	N/A

<i>SEPP Title</i>	<i>Summary of SEPP</i>	<i>Applicable to Planning Proposal</i>	<i>Consistency</i>
	management. The plan also aims to provide a process of consultation with stakeholders on development and related decisions.		

Attachment 3: Request for initial gateway determination - s.9.1 Ministerial Directions Checklist

<i>No.</i>	<i>Title</i>	<i>Applicable to Planning Proposal</i>	<i>Consistency</i>
1. Employment and Resources (effective 1 July 2009, except for new Direction 1.2 effective 14 April 2016 and 1.1 effective 1 May 2017)			
1.1	<p><i>Business and Industrial Zones</i></p> <p>A planning proposal must:</p> <ul style="list-style-type: none">) give effect to the objectives of this direction,) retain the areas and locations of existing business and industrial zones,) not reduce the total potential floor space area for employment uses and related public services in business zones,) not reduce the total potential floor space area for industrial uses in industrial zones, and) ensure that proposed new employment areas are in accordance with a strategy that is approved by the Secretary of the Department of Planning and Environment. 	N/A	N/A
1.2	<p><i>Rural Zones</i></p> <p>A planning proposal must:</p>	N/A	N/A

No.	Title	Applicable to Planning Proposal	Consistency
	<ul style="list-style-type: none">)] not rezone land from a rural zone to a residential, business, industrial, village or tourist zone)] not contain provisions that will increase the permissible density of land within a rural zone (other than land within an existing town or village). 		
1.3	<p><i>Mining Petroleum Production and Extractive Industries</i></p> <p>This direction applies when a relevant planning authority prepares a planning proposal that would have the effect of:</p> <ul style="list-style-type: none">)] prohibiting the mining of coal or other minerals, production of petroleum, or winning or obtaining of extractive materials, or)] restricting the potential development of resources of coal, other minerals, petroleum or extractive materials which are of State or regional significance by permitting a land use that is likely to be incompatible with such development. 	N/A	N/A
1.4	<p><i>Oyster Aquaculture</i></p> <p>This direction applies when a relevant planning authority prepares any planning proposal that proposes a change in land use which could result in:</p> <ul style="list-style-type: none">)] adverse impacts on a Priority Oyster Aquaculture Area or a “current oyster aquaculture lease in the national parks estate”; or)] incompatible use of land between oyster aquaculture in a Priority Oyster Aquaculture Area or a “current oyster aquaculture lease in the national parks estate” and other land uses. 	N/A	N/A

<i>No.</i>	<i>Title</i>	<i>Applicable to Planning Proposal</i>	<i>Consistency</i>
1.5	<p><i>Rural Lands</i></p> <p>This direction applies when:</p> <ul style="list-style-type: none">) a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed rural or environment protection zone (including the alteration of any existing rural or environment protection zone boundary) or) a relevant planning authority prepares a planning proposal that changes the existing minimum lot size on land within a rural or environment protection zone. 	N/A	N/A
2. Environment and Heritage (effective 1 July 2009 Except for new Direction 2.5 effective 2 March 2016, Direction 2.1, 2.2 and 2.4 effective 14 April 2016)			
2.1	<p><i>Environment Protection Zones</i></p> <p>A planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas.</p> <p>A planning proposal that applies to land within an environment protection zone or land otherwise identified for environment protection purposes in a LEP must not reduce the environmental protection standards that apply to the land (including by modifying development standards that apply to the land). This requirement does not apply to a change to a development standard for minimum lot size for a dwelling in accordance with clause (5) of Direction 1.5 “Rural Lands”.</p>	N/A	N/A
2.2	<p><i>Coastal Protection</i></p> <p>A planning proposal must include provisions that give effect to</p>	N/A	N/A

No.	Title	Applicable to Planning Proposal	Consistency
	<p>and are consistent with:</p> <ul style="list-style-type: none">) the NSW Coastal Policy: A Sustainable Future for the New South Wales Coast 1997, and) the Coastal Design Guidelines 2003, and) the manual relating to the management of the coastline for the purposes of section 733 of the Local Government Act 1993 (the NSW Coastline Management Manual 1990). 		
2.3	<p><i>Heritage Conservation</i></p> <p>A planning proposal must contain provisions that facilitate the conservation of:</p> <ul style="list-style-type: none">) items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area,) Aboriginal objects or Aboriginal places that are protected under the <i>National Parks and Wildlife Act 1974</i>, and) Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified by an Aboriginal heritage survey prepared by or on behalf of an Aboriginal Land Council, Aboriginal body or public authority and provided to the relevant planning authority, which identifies the area, object, place or landscape as being of heritage significance to Aboriginal culture and people. 		
2.4	<p><i>Recreation Vehicle Areas</i></p> <p>A planning proposal must not enable land to be developed for the</p>	N/A	N/A

No.	Title	Applicable to Planning Proposal	Consistency
	<p>purpose of a recreation vehicle area (within the meaning of the Recreation Vehicles Act 1983):</p> <ul style="list-style-type: none">) where the land is within an environmental protection zone,) where the land comprises a beach or a dune adjacent to or adjoining a beach,) where the land is not within an area or zone referred to in paragraphs (4)(a) or (4)(b) unless the relevant planning authority has taken into consideration: <ul style="list-style-type: none"> ➤ the provisions of the guidelines entitled Guidelines for Selection, Establishment and Maintenance of Recreation Vehicle Areas, Soil Conservation Service of New South Wales, September, 1985, and ➤ the provisions of the guidelines entitled Recreation Vehicles Act, 1983, Guidelines for Selection, Design, and Operation of Recreation Vehicle Areas, State Pollution Control Commission, September 1985. 		
2.5	<p><i>Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs</i></p> <p>The objective of this direction is to ensure that a balanced and consistent approach is taken when applying environmental protection zones and overlays to land on the NSW Far North Coast. This direction applies to the local government areas of Ballina, Byron, Kyogle, Lismore and Tweed only.</p>	N/A	N/A
3. Housing Infrastructure and Urban Development (effective 1 July 2009 - except for new Direction 3.6 effective 16 February 2011,			

<i>No.</i>	<i>Title</i>	<i>Applicable to Planning Proposal</i>	<i>Consistency</i>
Direction 3.1, 3.2, 3.4 and 3.5 effective 14 April 2016)			
3.1	<p><i>Residential Zones</i></p> <p>This direction applies when a relevant planning authority prepares a planning proposal that will affect land within:</p> <ul style="list-style-type: none">) an existing or proposed residential zone (including the alteration of any existing residential zone boundary)) any other zone in which significant residential development is permitted or proposed to be permitted. <p>A planning proposal must include provisions that encourage the provision of housing that will:</p> <ul style="list-style-type: none">) broaden the choice of building types and locations available in the housing market, and) make more efficient use of existing infrastructure and services, and) reduce the consumption of land for housing and associated urban development on the urban fringe, and) be of good design. <p>A planning proposal must, in relation to land to which this direction applies:</p> <ul style="list-style-type: none">) contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it), and) not contain provisions which will reduce the permissible residential density of land. 	Yes	Consistent – the Planning proposal includes provisions that encourage additional housing consistent with the immediate locality
3.2	<i>Caravan Parks and Manufactured Home Estates</i>	N/A	N/A

<i>No.</i>	<i>Title</i>	<i>Applicable to Planning Proposal</i>	<i>Consistency</i>
	<p>This direction applies when a relevant planning authority prepares a planning proposal.</p> <p>In identifying suitable zones, locations and provisions for caravan parks in a planning proposal, the relevant planning authority must:</p> <ul style="list-style-type: none">) retain provisions that permit development for the purposes of a caravan park to be carried out on land, and) retain the zonings of existing caravan parks, or in the case of a new principal LEP zone the land in accordance with an appropriate zone under the Standard Instrument (Local Environmental Plans) Order 2006 that would facilitate the retention of the existing caravan park. <p>In identifying suitable zones, locations and provisions for manufactured home estates (MHEs) in a planning proposal, the relevant planning authority must:</p> <ul style="list-style-type: none">) take into account the categories of land set out in Schedule 2 of SEPP 36 as to where MHEs should not be located,) take into account the principles listed in clause 9 of SEPP 36 (which relevant planning authorities are required to consider when assessing and determining the development and subdivision proposals), and) include provisions that the subdivision of MHEs by long term lease of up to 20 years or under the Community Land Development Act 1989 be permissible with consent. 		
3.3	<p><i>Home Occupations</i></p> <p>This direction applies when a relevant planning authority prepares a planning proposal.</p>	N/A	N/A

No.	Title	Applicable to Planning Proposal	Consistency
	Planning proposals must permit home occupations to be carried out in dwelling houses without the need for development consent.		
3.4	<p><i>Integrating Land Use and Transport</i></p> <p>This direction applies when a relevant planning authority prepares a planning proposal that will create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes.</p> <p>A planning proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of:</p> <ul style="list-style-type: none">) Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and) The Right Place for Business and Services – Planning Policy (DUAP 2001). 	Yes	Consistent – the Planning proposal identifies additional urban land within close proximity to existing urban settlements and established local transport networks
3.5	<p><i>Development Near Licensed Aerodromes</i></p> <p>This direction applies when a relevant planning authority prepares a planning proposal that will create, alter or remove a zone or a provision relating to land in the vicinity of a licensed aerodrome.</p>	N/A	N/A
3.6	<p><i>Shooting Ranges</i></p> <p>This direction applies when a relevant planning authority prepares a planning proposal that will affect, create, alter or remove a zone or a provision relating to land adjacent to and/ or adjoining an existing shooting range.</p> <p>A planning proposal must not seek to rezone land adjacent to and/</p>	N/A	N/A

<i>No.</i>	<i>Title</i>	<i>Applicable to Planning Proposal</i>	<i>Consistency</i>
	<p>or adjoining an existing shooting range that has the effect of:</p> <ul style="list-style-type: none">) permitting more intensive land uses than those which are permitted under the existing zone; or) permitting land uses that are incompatible with the noise emitted by the existing shooting range. 		
3.7	<p><i>Reduction in non-hosted short term rental accommodation period</i></p> <p>This direction applies to Byron Shire Council.</p> <p>This direction applies when the council prepares a planning proposal to identify or reduce the number of days that non-hosted short-term rental accommodation may be carried out in parts of its local government area.</p>	N/A	N/A
4. Hazard and Risk (effective 1 July 2009 – except for new Direction 4.2 effective 12 April 2016)			
4.1	<p><i>Acid Sulfate Soils</i></p> <p>This direction applies when a relevant planning authority prepares a planning proposal that will apply to land having a probability of containing acid sulfate soils as shown on the Acid Sulfate Soils Planning Maps.</p>	N/A	N/A
4.2	<p><i>Mine Subsidence and Unstable Land</i></p> <p>This direction applies to land that is within a Mine Subsidence District proclaimed pursuant to section 15 of the Mine Subsidence Compensation Act 1961, or has been identified as unstable land.</p>	N/A	N/A
4.3	<p><i>Flood Prone Land</i></p> <p>This direction applies when a relevant planning authority prepares</p>	N/A	N/A

<i>No.</i>	<i>Title</i>	<i>Applicable to Planning Proposal</i>	<i>Consistency</i>
	<p>a planning proposal that creates, removes or alters a zone or a provision that affects flood prone land.</p> <p>A planning proposal must include provisions that give effect to and are consistent with the NSW Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005 (including the Guideline on Development Controls on Low Flood Risk Areas).</p> <p>A planning proposal must not rezone land within the flood planning areas from Special Use, Special Purpose, Recreation, Rural or Environmental Protection Zones to a Residential, Business, Industrial, Special Use or Special Purpose Zone.</p> <p>A planning proposal must not contain provisions that apply to the flood planning areas which:</p> <ul style="list-style-type: none">) permit development in floodway areas) permit development that will result in significant flood impacts to other properties) permit a significant increase in the development of that land) are likely to result in a substantially increased requirement for government spending on flood mitigation measures, infrastructure or services, or) permit development to be carried out without development consent except for the purposes of agriculture (not including dams, drainage canals, levees, buildings or structures in floodways or high hazard areas), roads or exempt development. <p>A planning proposal must not impose flood related development</p>		

<i>No.</i>	<i>Title</i>	<i>Applicable to Planning Proposal</i>	<i>Consistency</i>
	<p>controls above the residential flood planning level for residential development on land, unless a relevant planning authority provides adequate justification for those controls to the satisfaction of the Director-General (or an officer of the Department nominated by the Director-General).</p> <p>For the purposes of a planning proposal, a relevant planning authority must not determine a flood planning level that is inconsistent with the Floodplain Development Manual 2005 (including the Guideline on Development Controls on Low Flood Risk Areas) unless a relevant planning authority provides adequate justification for the proposed departure from that Manual to the satisfaction of the Director-General (or an officer of the Department nominated by the Director-General).</p>		
4.4	<p><i>Planning for Bushfire Protection</i></p> <p>This direction applies when a relevant planning authority prepares a planning proposal that will affect, or is in proximity to land mapped as bushfire prone land.</p> <p>In the preparation of a planning proposal the relevant planning authority must consult with the Commissioner of the NSW Rural Fire Service following receipt of a gateway determination under section 56 of the Act, and prior to undertaking community consultation in satisfaction of section 57 of the Act, and take into account any comments so made,</p> <p>A planning proposal must:</p> <p>) have regard to Planning for Bushfire Protection 2006,</p>	N/A	N/A

No.	Title	Applicable to Planning Proposal	Consistency
	hazard which may be developed,) introduce controls on the placement of combustible materials in the Inner Protection Area.		
5. Regional Planning (effective 1 July 2009 - except for new Direction 5.2 effective 3 March 2011, Direction 5.9 effective 30 September 2013, Direction 5.4 effective 21 August 2015, Direction 5.8 and 5.10 effective 14 April 2016, Direction 5.1 and 5.3 effective 1 May 2017)			
5.1	<i>Implementation of Regional Strategies (Revoked 17 October 2017).</i>	N/A	N/A
5.2	<i>Sydney Drinking Water Catchments</i> This Direction applies to the Sydney drinking water catchment in the following local government areas:) Blue Mountains) Campbelltown) Cooma Monaro) Eurobodalla) Goulburn Mulwaree) Kiama) Lithgow) Oberon) Palerang) Shoalhaven Sutherland) Upper Lachlan) Wingecarribee	N/A	N/A

<i>No.</i>	<i>Title</i>	<i>Applicable to Planning Proposal</i>	<i>Consistency</i>
	<ul style="list-style-type: none">)] Wollondilly)] Wollongong. 		
5.3	<p><i>Farmland of State and Regional Significance on the NSW Far North Coast</i></p> <p>This direction applies to:</p> <ul style="list-style-type: none">)] Ballina Shire Council,)] Byron Shire Council,)] Kyogle Shire Council,)] Lismore City Council,)] Richmond Valley Council, and)] Tweed Shire Council 	N/A	N/A
5.4	<p><i>Commercial and Retail Development along the Pacific Highway, North Coast</i></p> <p>This Direction applies to those council areas on the North Coast that the Pacific Highway traverses, being those council areas between Port Stephens Shire Council and Tweed Shire Council, inclusive</p>	N/A	N/A
5.5	<i>Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA) (Revoked 18 June 2010).</i>	N/A	N/A
5.6	<i>Sydney to Canberra Corridor (Revoked 10 July 2008).</i>	N/A	N/A
5.7	<i>Central Coast (Revoked 10 July 2008).</i>	N/A	N/A
5.8	<p><i>Second Sydney Airport: Badgerys Creek</i></p> <p>This direction applies to land shown within the boundaries of the</p>	N/A	N/A

<i>No.</i>	<i>Title</i>	<i>Applicable to Planning Proposal</i>	<i>Consistency</i>
	proposed airport site and within the 20 ANEF contour as shown on the map entitled "Badgerys Creek–Australian Noise Exposure Forecast–Proposed Alignment–Worst Case Assumptions", this being found in Appendix U of the Second Sydney Airport Site Selection Program Draft Environmental Impact Statement within Fairfield City Council, Liverpool City Council, Penrith City Council and Wollondilly Shire Council local government areas.		
5.9	<p><i>North West Rail Link Corridor Strategy</i></p> <p>The objectives of this direction are to:</p> <ul style="list-style-type: none">)] promote transit-oriented development and manage growth around the eight train stations of the North West Rail Link (NWRL))] ensure development within the NWRL corridor is consistent with the proposals set out in the NWRL Corridor Strategy and precinct Structure Plans. <p>This Direction applies to Hornsby Shire Council, The Hills Shire Council and Blacktown City Council only.</p>	N/A	N/A
5.10	<p><i>Implementation of Regional Plans</i></p> <p>The objective of this direction is to give legal effect to the vision, land use strategy, goals, directions and actions contained in Regional Plans. Planning proposals must be consistent with a Regional Plan released by the Minister for Planning.</p>	Yes	<p>Consistent – planning proposal consistent with the <i>Riverina Murray Regional Plan 2036</i></p> <p>See commentary in ‘Part 3 Justification, Section B’ of the planning proposal.</p>

No.	Title	Applicable to Planning Proposal	Consistency
6. Local Plan Making (effective 1 July 2009)			
6.1	<p><i>Approval and Referral Requirements</i></p> <p>This direction applies when a relevant planning authority prepares a planning proposal.</p> <p>A planning proposal must:</p> <ul style="list-style-type: none">) minimise the inclusion of provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority, and) not contain provisions requiring concurrence, consultation or referral of a Minister or public authority unless the relevant planning authority has obtained the approval of: <ul style="list-style-type: none"> (i) the appropriate Minister or public authority, and (ii) the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General), prior to undertaking community consultation in satisfaction of section 57 of the Act, and) not identify development as designated development unless the relevant planning authority: <ul style="list-style-type: none"> (i) can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the class of development is likely to have a significant impact on the environment, and (ii) has obtained the approval of the Director-General of the Department of Planning (or an officer of the Department 	Yes	Consistent – no provisions are included in the Planning proposal for approval or referrals.

No.	Title	Applicable to Planning Proposal	Consistency
	nominated by the Director-General) prior to undertaking community consultation in satisfaction of section 57 of the Act.		
6.2	<p><i>Reserving Land for Public Purposes</i></p> <p>This direction applies when a relevant planning authority prepares a planning proposal.</p> <p>A planning proposal must not create, alter or reduce existing zonings or reservations of land for public purposes without the approval of the relevant public authority and the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General).</p> <p>When a Minister or public authority requests a relevant planning authority to reserve land for a public purpose in a planning proposal and the land would be required to be acquired under Division 3 of Part 2 of the Land Acquisition (Just Terms Compensation) Act 1991, the relevant planning authority must:</p> <ul style="list-style-type: none">) reserve the land in accordance with the request, and) include the land in a zone appropriate to its intended future use or a zone advised by the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General), and) identify the relevant acquiring authority for the land. <p>When a Minister or public authority requests a relevant planning authority to include provisions in a planning proposal relating to the use of any land reserved for a public purpose before that land is acquired, the relevant planning authority must:</p>	Yes	<p>Consistent</p> <p>See commentary in ‘Part 3 Justification, Section B’ of the planning proposal. The land is owned by Council and approval will be sought to seek approval to alter the existing zoning from the Director General.</p>

No.	Title	Applicable to Planning Proposal	Consistency
	<ul style="list-style-type: none">) include the requested provisions, or) take such other action as advised by the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) with respect to the use of the land before it is acquired. <p>When a Minister or public authority requests a relevant planning authority to include provisions in a planning proposal to rezone and/or remove a reservation of any land that is reserved for public purposes because the land is no longer designated by that public authority for acquisition, the relevant planning authority must rezone and/or remove the relevant reservation in accordance with the request.</p>		
6.3	<p><i>Site Specific Provisions</i></p> <p>This direction applies when a relevant planning authority prepares a planning proposal that will allow a particular development to be carried out. A planning proposal that will amend another environmental planning instrument in order to allow a particular development proposal to be carried out must either:</p> <ul style="list-style-type: none">) allow that land use to be carried out in the zone the land is situated on, or) rezone the site to an existing zone already applying in the environmental planning instrument that allows that land use without imposing any development standards or requirements in addition to those already contained in that zone, or) allow that land use on the relevant land without imposing 	N/A	N/A

No.	Title	Applicable to Planning Proposal	Consistency
	<p>any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended.</p> <p>A planning proposal must not contain or refer to drawings that show details of the development proposal.</p>		
7. Metropolitan Planning 14 January 2015 (Except for Direction 7.2 effective 22 September 2015, Direction 7.3 effective 19 December 2016, Direction 7.4 effective 15 May 2017, Direction 7.5 effective 25 July 2017 and Direction 7.6 effective 5 August 2017)			
7.1	<p><i>Implementation of A Plan for Growing Sydney</i></p> <p>The objective of this direction is to give legal effect to the planning principles; directions; and priorities for subregions, strategic centres and transport gateways contained in A Plan for Growing Sydney. It does not apply to the Leeton Shire Council Local Government Area.</p>	N/A	N/A
7.2	<p><i>Implementation of Greater Macarthur Land Release Investigation</i></p> <p>The objective of this direction is to ensure development within the Greater Macarthur Land Release Investigation Area is consistent with the Greater Macarthur Land Release Preliminary Strategy and Action Plan (the Preliminary Strategy). This direction applies to Campbelltown City Council and Wollondilly Shire Council only.</p>	N/A	N/A
7.3	<p><i>Parramatta Road Corridor Urban Transformation Strategy</i></p> <p>The objectives of this Direction are to:</p> <ul style="list-style-type: none">)] facilitate development within the Parramatta Road Corridor that is consistent with the <i>Parramatta Road Corridor Urban Transformation Strategy (November, 2016)</i> and the <i>Parramatta Road Corridor Implementation Tool Kit</i>,)] provide a diversity of jobs and housing to meet the needs of a 	N/A	N/A

No.	Title	Applicable to Planning Proposal	Consistency
	<p>broad cross-section of the community, and</p> <p>) guide the incremental transformation of the Parramatta Road Corridor in line with the delivery of necessary infrastructure.</p> <p>It does not apply to the Leeton Shire Council Local Government Area.</p>		
7.4	<p><i>Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan</i></p> <p>The objective of this direction is to ensure development within the North West Priority Growth Area is consistent with the North West Priority Growth Area Land Use and Infrastructure Strategy (the Strategy). It does not apply to the Leeton Shire Council Local Government Area.</p>	N/A	N/A
7.5	<p><i>Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan</i></p> <p>The objective of this direction is to ensure development within the Greater Parramatta Priority Growth Area is consistent with the Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan dated July 2017 (the interim Plan). It does not apply to the Leeton Shire Council Local Government Area.</p>	N/A	N/A
7.6	<p><i>Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan</i></p> <p>The objective of this direction is to ensure development within the Wilton Priority Growth Area is consistent with the Wilton Interim Land Use and Infrastructure Implementation Plan and Background Analysis. It does not apply to the Leeton Shire Council Local Government Area.</p>	N/A	N/A

Attachment 4 *Leeton Local Environmental Plan 2014 Maps*



Leeton Local Environmental Plan 2014

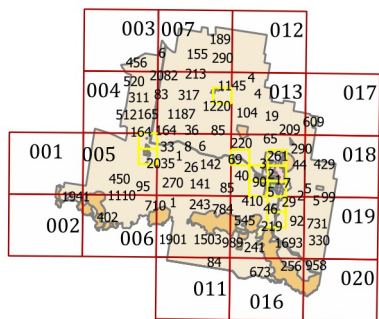
Land Zoning Map - Sheet LZN-014F

Zone

- B1 - Neighbourhood Centre
- B2 - Local Centre
- B3 - Commercial Core
- B5 - Business Development
- E1 - National Parks and Nature Reserves
- E2 - Environmental Conservation
- E4 - Environmental Living
- IN1 - General Industrial
- IN2 - Light Industrial
- R1 - General Residential
- R2 - Low Density Residential
- R3 - Medium Density Residential
- R5 - Large Lot Residential
- RE1 - Public Recreation
- RE2 - Private Recreation
- RU1 - Primary Production
- RU5 - Village
- SP1 - Special Activities
- SP2 - Infrastructure

Cadastral

Cadastral 05/03/15 © Land and Property Information (LPI)



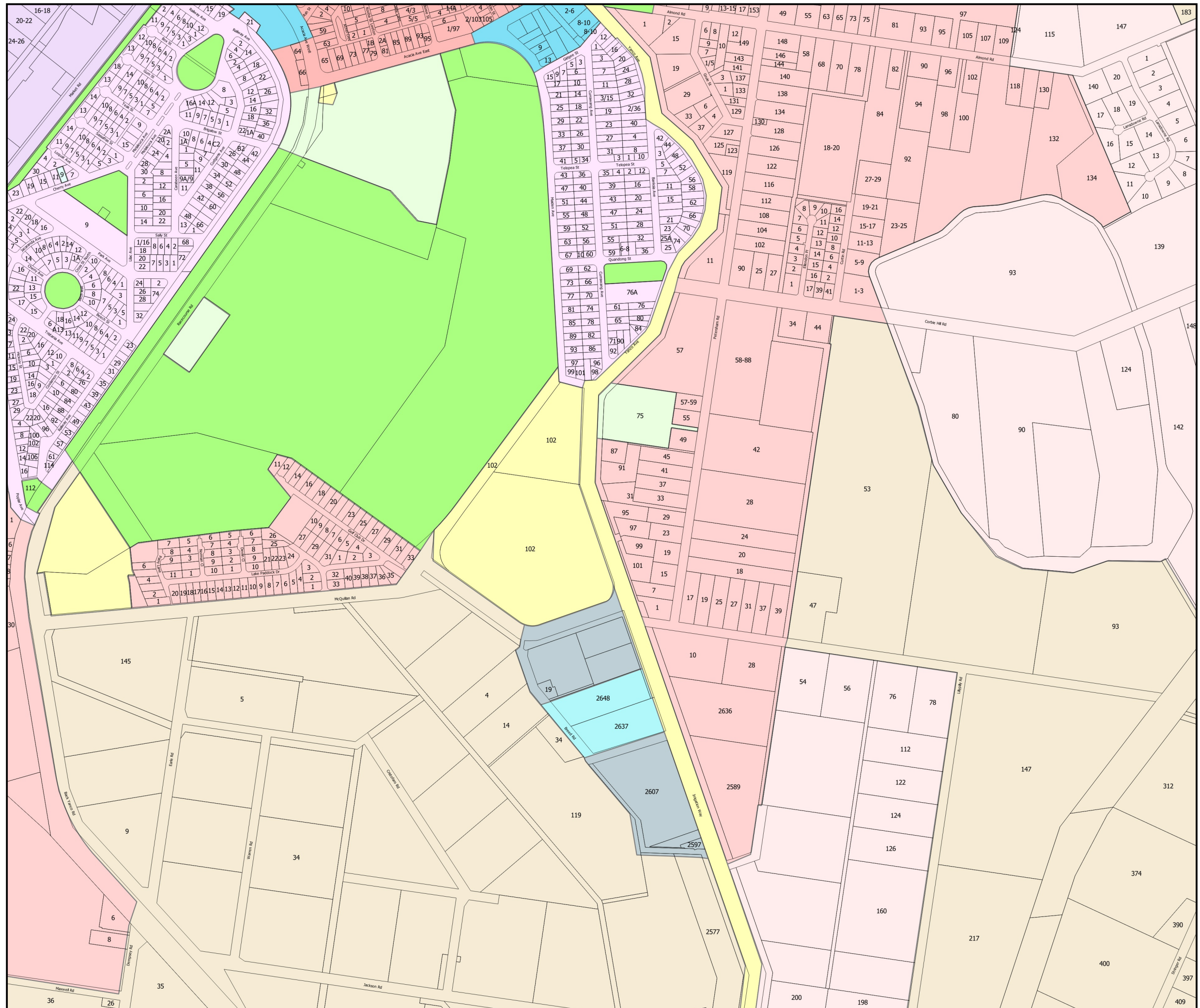
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ZONE 55

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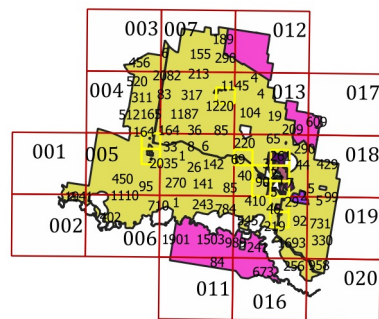
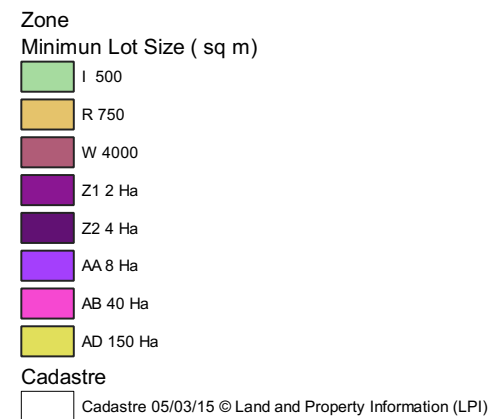
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Leeton Local Environmental Plan 2014

Lot Size Map - Sheet LZN-014F



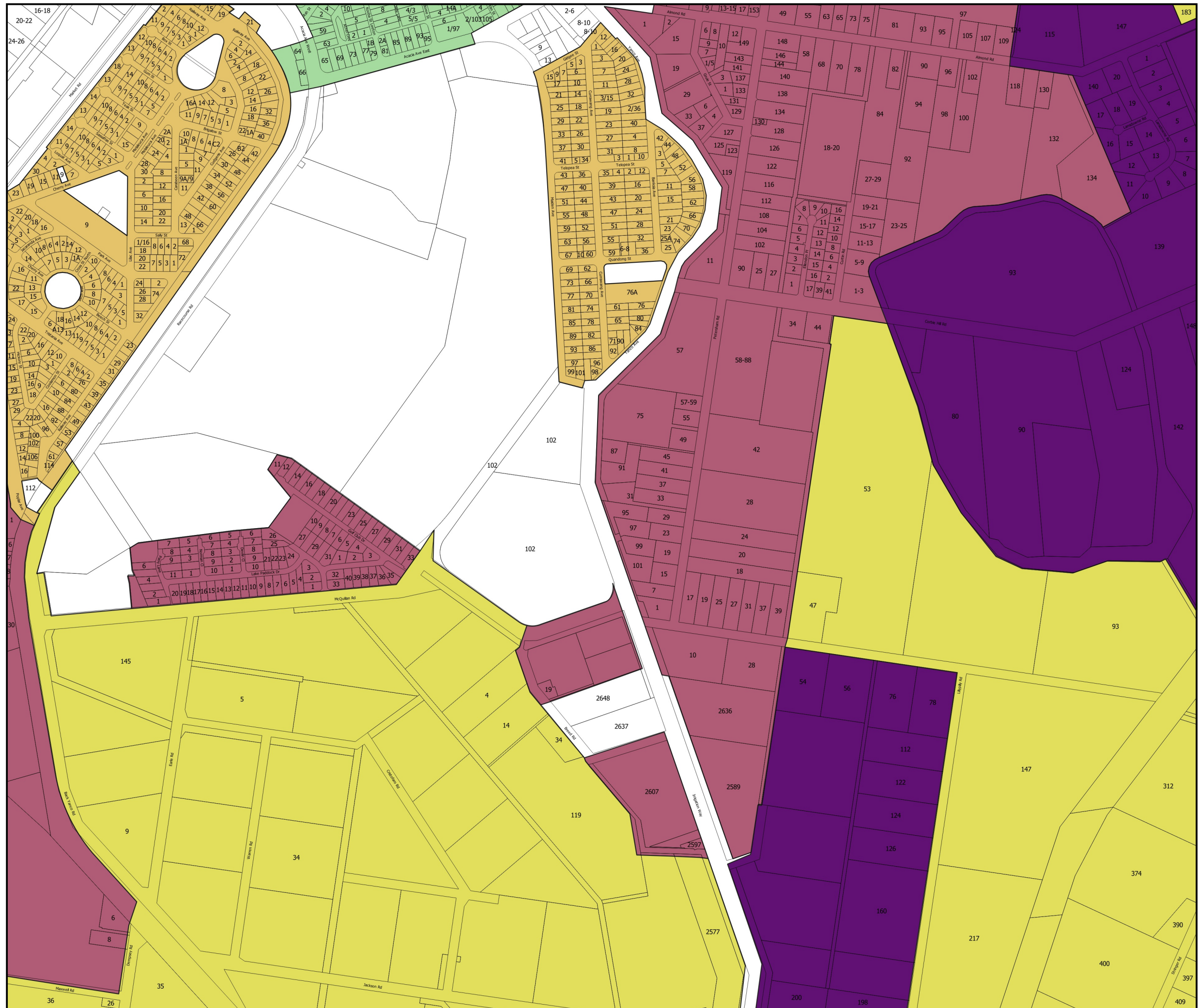
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ZONE 55

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Map Identification Number:
4750_COM_LZN_014F_010_20190926





Leeton Local Environmental Plan 2014

Height of Buildings Map - Sheet HOB-014F

Maximum Building Height (m)

I 8.5

L 11.5

Cadastre

Cadastre 05/03/15 © Land and Property Information (LPI)

	003	007	189	012	
	456	6	155 290		
	520	2082 213	1145 4	013	017
	311	83 317	1145 4		
	512165	1187 1220	104 55	609	
	164	36 85	491 214		
001	005	33 8 6	9628 220 230 290	018	
	2035	1 26	8 40 3 150 5		
	450	95	270 141 85	44 429	
	1941	1116	710 1 243 784	649 5 17 5 99	
002	006	1901 1503 989	545 219 92 731	019	
		84	673 256 958	020	
		011	016		



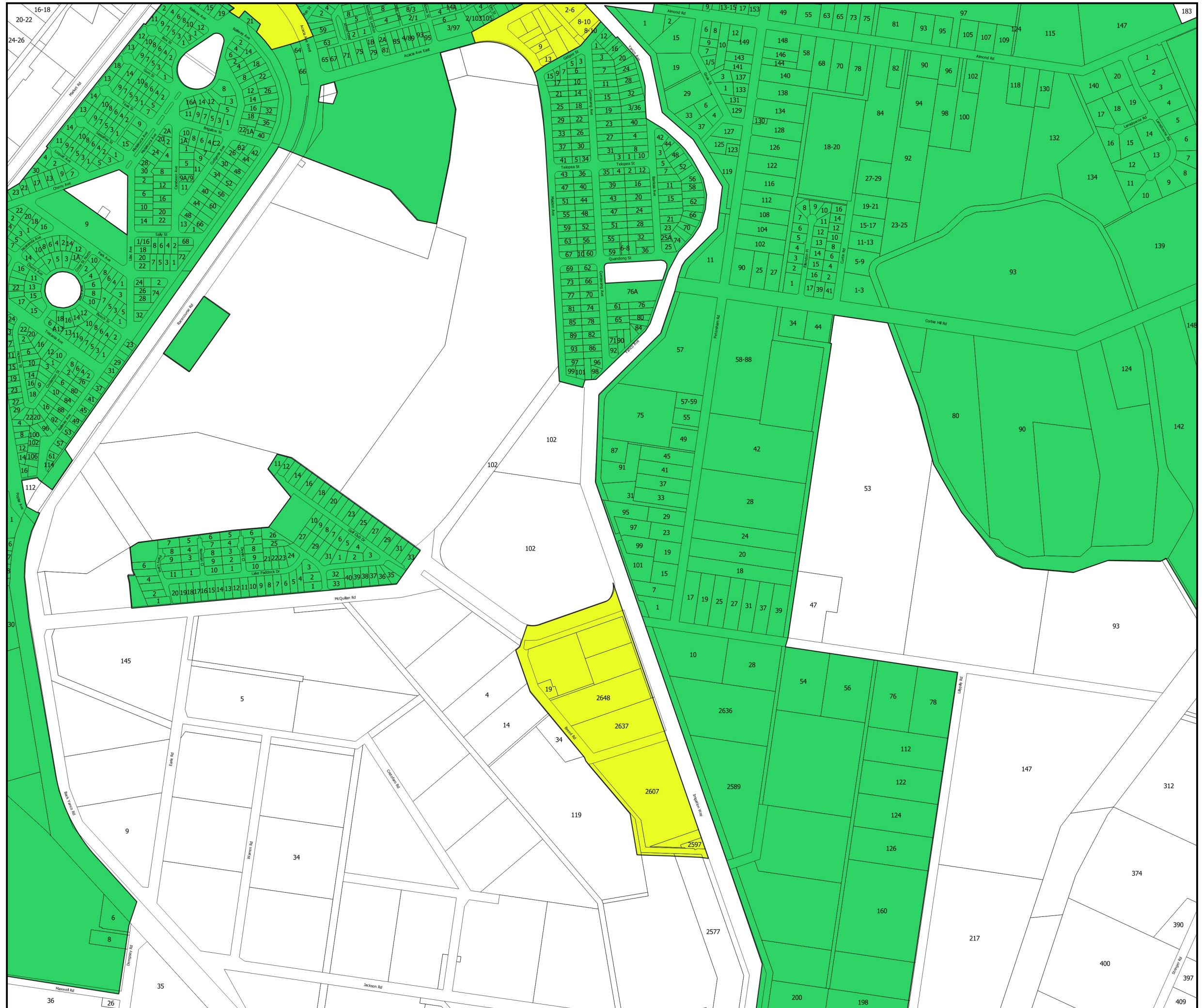
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ZONE 55

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Scale 1:10000 @ A3

Map Identification Number:
4750_COM_LZN_014F_010_20190926





Leeton Local Environmental Plan 2014

Floor Space Ratio Map - Sheet FSR-014F

Maximum Floor Space Ratio (n:1)

- A 0.25
- D 0.50
- J 0.80
- P 1.25

Cadastral

Cadastral 05/03/15 © Land and Property Information (LPI)

	003	007	189	012	
	456	6	155 290		
	520	2082 213	1145 4	013	017
	311	83 317	1145 4		
	512165	1187 1220	104 55	609	
	164	36 85	491 214		
001	005	33 8 6	9628 220 230 290	018	
	450	2035 1 26	8 40 3 21 5		
	1941	1116 710 1	243 784	649 5 17 5 99	
002	006	1901 1503 989	241 1693 330	019	
		84	673 256 958	020	
		011	016		



PROJECTION: GDA 1994
ZONE 55

0 135 270 405 540 675 m



Scale 1:10000 @ A3

Map Identification Number:
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